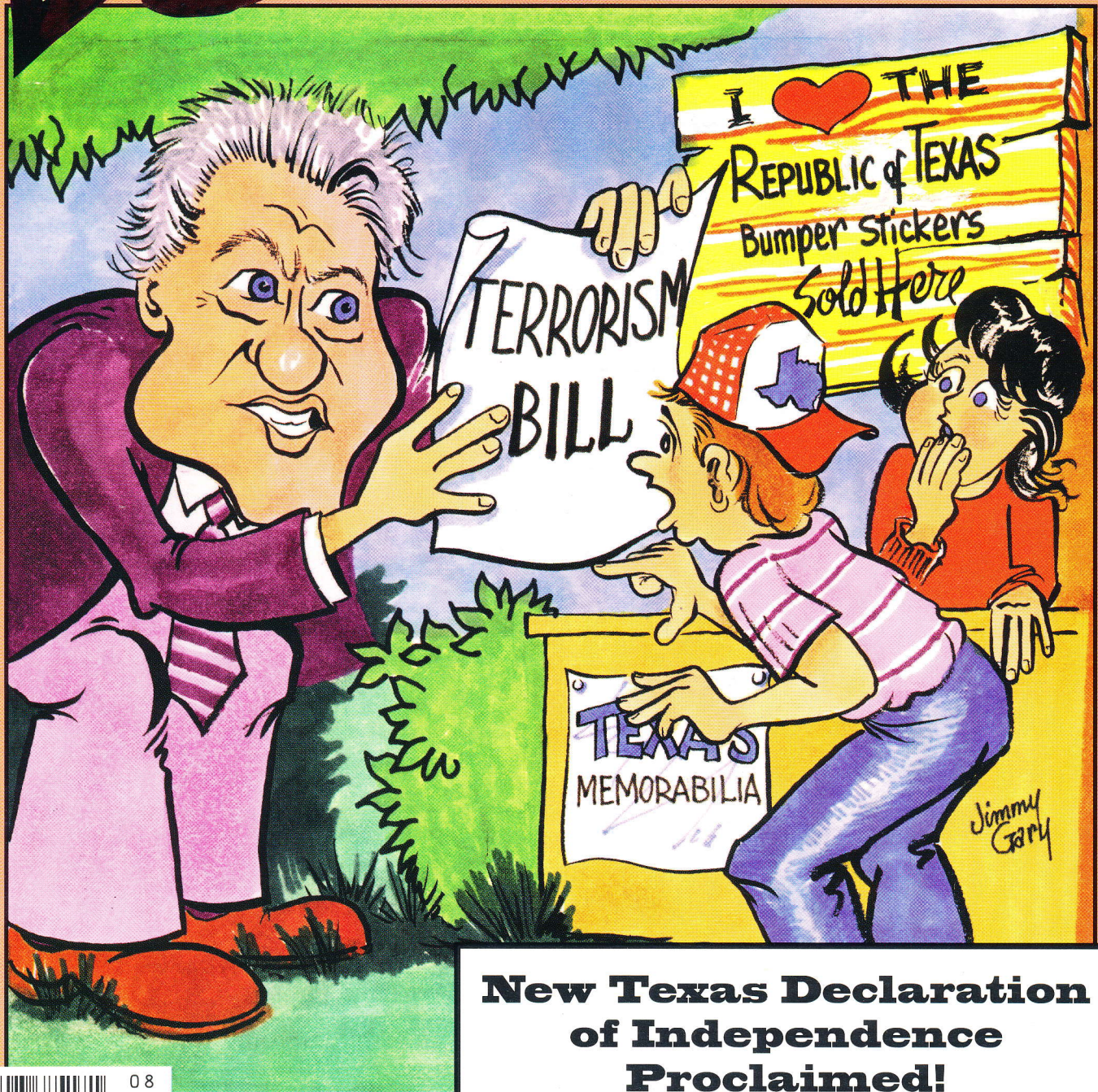


REPUBLIC OF TEXAS

MAGAZINE

\$2.50 August 1996



**New Texas Declaration
of Independence
Proclaimed!**

Pages 43-47



Republic of Texas Magazine

A privately owned and operated
publication dedicated to informing citizens
about the Republic of Texas

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The cover:

This month's cover was originally designed to poke a little fun at state attorney general Dan Morales for his little charade of a letter to 55 "citizens" (see story in this edition), warning Republic citizens to cease and desist. Then came along the terrifyingly tyrannical so-called "anti-terrorism" bill by the U.S. congress... and we couldn't resist changing the cover to reflect another reason why our U.S. cousins need to reconsider their citizenship status. **Jimmy Gary** catches the central theme of terrorism most appropriately in this cover.

Our comments to the Provisional Government

Charles W. Duncan

The following comments reflect ideas that Wes and I have discussed in recent weeks. We address this to all provisional government officers specifically, and to any who are interested:

One, since the basis for the Provisional Government is the 1836 Constitution [as amended] along with the Plans etc. set up for the Provisional Government, we have studied these and we have come to the conclusion that in the Republic of Texas today, there are in excess of 18 million citizens.

Each of these citizens of the Republic do not know of their status. In fact most believe they are U.S. citizens. We feel that rather than trying to deal with the issue of dual citizenship, that it should just be an accepted fact of life for now. All people living in the Republic of Texas are de facto citizens of two nations. And just like those citizens in the Baltic nations when they "broke" away from the Soviet Union and re-established themselves as the nations they were before they were captured nations — it is up to those who **DID NOT WANT** to be citizens of those new republics to declare themselves afterwards as citizens of Russia or wherever.

One of the key provisions of the transitional plan in our opinion, is the need to begin planning for the Constitutional Convention and the subsequent arrangement to present whatever new Constitution that comes from that convention to all the citizens of the Republic of Texas.

But like you, we realize there is still the problem that **BEFORE** such a convention can be held and before such an election can also be held, that some significant percentage of the population of the Republic of Texas **HAS** to be informed about the truth about their status as residents and citizens in a free and independent nation. Our fellow citizens need to be informed about the benefits of being in a free nation, and they need to be informed about the plans to write a new constitution and to offer it to them for a vote. For it is only with their informed consent that such a constitution can be written and voted upon by the people of the Republic of Texas.

To meet the dictates of the transitional plan and to have a new constitution written and to vote for the new government of the Republic of Texas, we urge you to keep working with the existing media to get the facts out. Also continue working with those in the broadcast media who are more favorable to the RT by setting up call-in shows, AM and FM radio shows, audio and video

(Continued on Page 2)

Republic's Declaration of Independence

The Republic's provisional government has issued a declaration and proclamation of the independence and reclamation of this sovereign nation... and we are pleased to report the entire document in this, our third edition (see pages 43-47).

In that declaration, you will find a chronological set of facts laying out clearly the position of the provisional government, citing the historical evidence for its claims. We applaud the simplicity, yet detailed method in this declaration, but more importantly, we are delighted to see the statement about citizenship (page 46).

All people and citizens living on the soil of Texas for at least six months immediately before the signing of the declaration (June 13, 1996) are now considered as citizens. That statement eliminates the controversy that has put the provisional government on the defensive for these past few months. By accepting the 1836 Constitutional authority for citizenship, the general council has made a giant step toward the goal of inclusiveness. This statement, by itself, satisfies the complaint by many citizens about filling out a form and renouncing citizenship to some other country.

The declaration of independence lists 14 different notices regarding relationships between government and people, including the abolition of debt generated by the U.S. or its agents, elimination of all corporate status under common law, monetizing the assets and natural resources of the Republic and announcing fair and equal opportunity for displaced federal agents and employees.

All military establishments have been deemed the property of the people of the Republic and notification is being sent to all military commanders of the change.

It is a dramatic and significant document, we recommend careful reading and study.

Wee and Charlie

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Comments to the provisional government

(Continued from Inside Cover)

tapes that can be distributed or broadcast in all parts of the RT.

And our hope and expectation is that as the numbers of those who know the whole story about the history of our nation and the legal work that has taken place to re-establish our status as a free and sovereign nation, that the groundswell we are just beginning to see will become a **tidal wave for freedom!**

We believe that both the education of our citizens and the preparation for setting up to write a constitution will take from eight months to about a year. By then we confidently think that a significant percentage of our citizenry will be both informed and eager for the next steps needed to present the constitution to the voters of our nation.

We realize that despite the importance of both steps, that time and much effort must pass to bring these two necessary and complimentary efforts to fruition. We can only urge that patience coupled with a determination for a successful future be our watchwords.

Two, we urge those on the general council who are working with private industry, to keep up their efforts. For in our opinions, it is going to be from companies like Motorola and Exxon and Lone Star and Southwest Airlines [multiplied a few thousand times] that much of

the money and, yes, more and more of the public support will be seen.

Just as each citizen in the Republic needs to know about the benefits of living in a free and independent nation, so too do the companies who are here or who will want to move here, need to know the benefits of working and producing in a free nation.

And as we have tried to say in each issue of our magazine, it is the goal of a free and independent nation we are working towards that is important. And in our experience, it is that realization of what freedom will mean both politically and economically - what it will mean for our families and our future - that excites people and keeps them working for the complete establishment of the Republic of Texas as the government you are working so hard to establish.

In closing, I'd like to make a couple of other remarks. First, the "mass" media is in our opinion starting to come around. Articles in papers and TV and radio coverage is going from non-existent to hostile to neutral to in some instances positive. If the media of those established TV and newspapers cannot yet be considered the active friends of the RT, they need to be at the very least looked upon as merely uninformed and perhaps frightened people trying to do their job as they see it. And as time passes and each reporter learns more - and as they see more and more of the millions of us living in Texas taking up this cause - then they too will cease ignoring or being hostile. So let's not burn bridges before we have crossed them.

Second, there is a question I know Wes and I get asked by almost everyone. And that is "why are you trying to leave the U.S.?" Or "why are you angry with the U.S.?" Or "why don't you want to be part of the U.S.?" Or any of the hundreds of variations I am sure each of you has heard and will continue to hear not just from the media but from individuals as well.

We have found that what works best for us in keeping the focus on the Republic and goals for the RT is to keep pointing out politely that the Republic of Texas is not now and never has been legally a part of the U.S. any more than it has been part of Japan or England or Germany. And that we are not trying to make any more of a value judgment about the government or the people of the U.S. by demanding our independence than we are making a value judgment about the people and governments of Japan or England or Germany.

And interestingly enough, after several replies of this nature, rather than debating that the U.S. is or is not a great country etc. [something that we think is more of a concern to **their** residents] we find that the focus of questions then rightfully goes towards what does the RT stand for - or what's in it for me - or what will happen if...

"The evils we experience flow from the excess of democracy. The people do not want (that is, do not lack) virtue; but are the dupes of pretended patriots." - Elbridge Gerry (Delegate to the Convention)

Congress



"Whenever I go back to the grass roots, I get chiggers."

Freedom to speak, freedom to write..

Takes issue over government role

Publishers,

I just received the first issue (May 1996) of the Republic of Texas Magazine. As soon as I can scrape together \$24, you'll receive a check!

At any rate, a few points of contention:

On page 11, you state, "(all) the government was supposed to do will be cheaper to provide to you when we let private enterprise take them over.

If someone like[s] Federal Express can deliver packages, they and all the others like it can deliver mail too."

I don't know about you, but I rather like the idea of a government run postal system. Why? As we all know, corporations can and do become corrupt, and the current postal system I use has regulations against doing anything naughty with my mail. How do I know that FedEx, UPS or Airbourne Express won't mess with my mail?

Also, being government sponsored, it's cheaper. Last I checked, UPS charges US\$3 to deliver a sheet of paper, in approximately the same time of the USPS (I get mail from Maine in about a day and a half via USPS...) What does the USPS charge? US\$0.32. Which is the better value? You make the call.

Publisher's Note:

OK, fair enough. We all know that just like corporations, federal agencies are not exempt from corruption. Unlike a monopoly if you are dissatisfied with UPS you can switch to a competitor. Or one with, in your opinion, better service, or cheaper service, or stronger rules against doing naughty things to your mail. And you can take a private company to court if you think they are messing with you mail, while at the same time you stop using their services. Yes, being government sponsored, which means that you and every other taxpayer contributes to their budget, they are cheaper. But that is due to one factor only. And it isn't even the extra bucks they get from your tax dollars. It's because they have a monopoly. And it's one they protect.

Kenneth Mills, Lewisville

Publisher's Note:

First Mr. Mills I am sorry for the loss felt by your family and all the families of the victims, agents and Davidians alike. But I assure you that if I wanted to belittle the entire Waco operation, it would take several hundred pages. As to the federal agent who was killed and was

Next: On page 9, you have a story entitled "April 19... a day in history to remember". You then proceed to belittle the ENTIRE Waco operation. I has a cousin in the compound (by her choice, mind you) and, remember the federal agent who died? He was a very good friend of mine. I do not appreciate much of that article, especially: "All in all 86 people died. For \$400 in unpaid taxes registrations". I'm not a big fan of what happened in Waco, but, remember, that THEY WERE BREAKING THE LAW, United States or otherwise. If Texas were a country I'm sure you are aware lawbreakers must be punished, otherwise we have chaos. Further, it was NOT the agents' fault the compound burnt to the ground. That was the fault of Mr. David Korsh. My cousin's last words to her family, over a cellular phone were: "I hope it doesn't end like David wants to, but I'm afraid even the US can't save [us]..." That was very heart breaking for my family, and we did not appreciate your statements. Also, the feds had every right to bring the arms they felt appropriate. Remember, this man was rumored to have an entire military arsenal in there.

What is the real cost of mailing a letter by USPS? More than 32 cents and the extra is paid by you. What would it cost in an open and free system for FedEx to deliver your mail? According to studies, less than 32 cents and no extra out of your pocket every April. You make the call. Which would be the better system in a free and open economy?

The reason you paid \$3 to ship a sheet a paper is because, by law, FedEx et al are NOT allowed to deliver mail in competition with the USPS. You were charged that amount due only to that.

Freedom to speak, freedom to write...

your friend, there is at the very least as much evidence, much of it video from the cameras that "just happened" to be at the scene, that he died from friendly fire as from that of the Davidians. And even if people inside the compound, like your cousin, shot him, again there is massive evidence they were firing in self defense. We allow self defense in this country, even if you are protecting yourself from out of control federal police who have NO arrest warrant or search warrant on their person, but who start firing into a known occupied building.

As to breaking the law, you said THEY were breaking the law. Sorry, except for self defense the only POSSIBLE laws the people like your cousin were breaking was that of illegal possession of illegal [ie no taxes paid] firearms. The so-called illegal firearms never proven to be in the compound, according to the Texas Rangers who conducted an investigation after the fire.

Why the feds did what they did at Waco or Ruby Ridge or why they don't "realize" the existence of the Republic of Texas, I attribute to ignorance and human stupidity.

And again, sorry to disagree, but without the feds keeping the place surrounded and then charging in and destroying large parts of the structure while pumping in 2 days [their estimates] of illegal CS gas in 4 or 5 hours, there isn't even an apologists for the FBI that thinks the fire would have started.

As to HOW it started - we just don't know. Maybe Koresh. Maybe an accident. Maybe as a result of the explosive gases used to pump the CS gas into the compound hour after hour. We don't know.

We only know that NO ONE believes it would have happened without the incredibly stupid intervention of first the BATF and later the FBI troops and tanks.

And remember, NONE of the laws Koresh or the others were accused of, or were even guilty of, were punishable by death.

As to the feds having the right to bring which arms they wanted. OK. But then ask yourself, how many times have they served arrest and search warrants on others while several dozen masked men carried grenades, machine guns and had a helicopter circling - warrant's they "forgot" to bring.

And as to "rumored" arsenal's, the BATF had agents inside and the warrants they sought were for

the possession of two machine guns for which they said they had no record of taxes being paid. Oh yes, it is NOT, and I hope it will never be, illegal for US Citizens to have arsenals. I know it will never be illegal in the Republic of Texas. Here it will only be illegal to use them not in self defense etc. or to threaten others.

Two sides to issue

Your magazine was good and is very much needed. A couple of problem areas are threaded throughout the scenario though. In every issue there are two sides. No matter whether the majority or minority wins does not matter. One side is imposing its will on the other.

Laws govern society. The statement "this is a society which can not make any laws" is a falsehood because that statement in itself is a law.

Of course politicians are going to be elected to administer the law enforcement agencies. Because most people are herd animals, the politicians will promise the moon and deliver the exact same society that the USA is under now; a feudal system.

The writers of the "Bill of Rights" thought they had eliminated the possibility of a feudal system of being initiated. The psychological profile of a person who wants to be a politician coupled with the herd instinct of people dictates a feudal system scenario.

Every human being will obey without default the exact rules and laws that abide within their selves. Without fail. It is impossible to subdivide any area into that many zones of different laws. The least subdivision that is possible and still have a coherent oneness is the ideal condition.

Laws: It should be the "intent" carried out by "word" but not to subvert "intent". **KEEP OFF THE GRASS.** Under the current definition of laws, if a child wonders on the grass and is fixing to eat something unhealthy and the mother picks up the child, then she has broken the law. If the intent was written as "to prevent unnecessary loitering on the grass so as to preserve it" then she would not and neither would the man mowing the lawn, be breaking the law. Intent of the law should be clearly defined in clear

cities are wanting to institute the same type

The State Bar system is no more than a union and protection society for lawyers. Its purpose has evolved from protection of the people of Texas from shyster lawyers to a protection society to cover over and approve the illegal acts of attorneys and protect LAWYER interests only! The people of Texas cannot get Machiavellian lawyers or judges prosecuted for felonies against their office, crimes against the state, or breaches against the people.

The courts presume, without due process, the power to hear cases without notification to both parties and they preside over trials without some of the parties present. This is an absurdity that Stephen F. Austin and Sam Houston would never have stood for. Even in violation of our Sacred Constitution, people's property is being taken away from them without due or fair process, through the iniquity of illegal 'trustee sales', without the benefit of constitutional protection and rights.

Perhaps, someday, as Governor, you should read and comprehend, the Declaration of Independence of the Republic of Texas and perceive what our heroes of Texas past felt about statutory laws being imposed upon the people.

Below is the authorization and legalization for a Peoples' of Texas constitutionally derived court, to be firmly incorporated when the current system and judges have become indifferent and apathetic in relation to the rights of the Texas people and their access to impartial remedy, equity, and justice:

THE SOVEREIGN TEXAS CONSTITUTION ARTICLE 5 JUDICIAL DEPARTMENT

Sec. 11: DISQUALIFICATION OF JUDGES; EXCHANGE OF DISTRICTS; HOLDING COURT FOR OTHER JUDGES - No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him, either by affinity or consanguinity, within such a degree as may be prescribed by law, or when he shall have been counsel in the case. When the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, or any member of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the Governor

language for every law written.

The centralized governing body to be subservient to the people and not the people subservient to the centralized governing body. The centralized government would have a descending line of authority to enforce the laws. The least subdivision law enforcement agency would then first be subservient to the people who elected him and second to the next agency up.

There has to be a constitutional law enforcement agency setup. Its sole purpose is to enforce the constitution upon the governing body. Its official head has to be elected and therefore the only political statements could be "look how many political crooks I can catch". People seeking political office would have to sign an affidavit stating they gave up the right to be anonymous citizens. This would prevent such things as refusing to turn over documents when an investigation was in progress.

Elijah Bishop, Justiceburg

Common law right

To Governor George Bush:

As a concerned citizen for the sovereign state of TEXAS and also being a Natural Born sovereign of this fair state, I am really bewildered why you will not uphold your duties of office and the constitution of the Noble state of Texas. The people of Texas who are confined by the fictional jurisdictions and fictional authority of a justice and court system out of control, are getting exasperated, and repulsed by the so-called justice system.

The 'just-us' system has evolved into a protection society for bar carders and a cash register in a self-serving bureaucracy at the expense of TEXANS. These self-serving courts which have been established by statutory law confer no fair remedy to those who choose to represent themselves, or who buck court systems which refuse to listen to constitutional arguments, do not allow trial BY JURY, and decree in favor of a disguised taxing system through the courts.

The Article Five Section Eleven court constituted and established in Houston, Texas is the expectation that the people of this fair state can finally get equitable remedy and genuine justice against the immoral, dishonorable, corrupt attorney and judicial system. People in other

Freedom to speak, freedom to write...

of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of such cause or causes. When a judge of the District Court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law.

This is written in fairly easy to understand English. As a graduate from a Texas school system I am proud to announce that I can indeed read and understand the message and intent of this Article.

Just in case, You Sir, cannot understand the meaning of the above Article from our Texas Constitution, let me elaborate, explain, interpret, and translate it for you.

This Article allows you, and your office as Governor, in behalf of the people of Texas to constitute a court in and for the people of Texas whenever the system, the judges, have been disqualified, from the District level upwards. Judges can be disqualified for being a party to a cause, being charged with criminal acts against the constitution or a person, interest in the case, and other reasons.

Since, you sir, did not immediately constitute and establish this court by your own hand, within your constitutional responsibilities, your duties, your oath of office, and your moral duty, the People of Texas have been forced to constitute and establish it for you.. You are indeed lucky the same persons who had to constitute and establish this court for you, as Governor, have not filed, criminal and civil suits against you personally for neglect of office, failure to uphold your oath of office, and have not started impeachment proceedings against you.

The Article below is the authority of the people of the state of Texas to demand and impel their rights against a tyrannical Judicial system and the office of the Governor and all other state official who have denied the people of Texas their rights under the Constitution of the Great State of Texas!

ARTICLE 1 BILL OF RIGHTS

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

Sec. 1: FREEDOM AND SOVEREIGNTY OF STATE - Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self government, unimpaired to all the States.

Sec. 2: INHERENT POLITICAL POWER; REPUBLICAN FORM OF GOVERNMENT -All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

Again let me interpret this Article for the Governor; we the people can empower ourselves and we do intend to reform this judicial system in the manner we deem expeditious and appropriate according to the present constitution. You can not stand in the way of the People of Texas' right to do so. This state has a assemblage of statutory judges ruling over the people as feudal lords. The People of Texas now demand this judicial system be brought under control and within the constitutional bounds of our Texas Constitution!

The judicial system, as with all other state officials and employees, derives their authority from the people and the people never imparted them the right to LORD their position over the people.

You sir, have ignored and disregarded the will of the people. The People of Texas, especially in the largest cities of Dallas/Fort Worth, Houston, San Antonio, El Paso and others, are implementing and originating social courts of justice in our territories, which your father, as President of the U.S.A., recognized their necessity and delivered before a joint session of congress,

Freedom to speak, freedom to write...

and they were approved by a joint resolution; including the affirmation of the Noahide Laws; Why do you not discern the seriousness of the resolve of the People to REFORM and establish courts in which to obtain genuine justice?

Lauren Savage, Dallas

No feudal system...

Putting myself in the time of the writers of the constitution of the United States and knowing that I did not want my great great great grandchildren to be again under a feudal system, be it called an absolute monarchy, fascism, communism, a dictatorship, a democracy or a cooperative, I would vote for the "Bill of Rights."

Putting myself in this current epoch, I do not see why anyone so intelligent as to be able to write as great an article as the US constitution would ever write such a limited version of the "Bill of Rights." Of course I have a better view of the insidious nefariousness of politicians. Power corrupts.

Knowing that every person is supposed to work to survive and knowing that when a person goes to work for someone else they are temporarily indentured to a feudal system, a totally feudal system free society is impossible.

Knowing that each person has some different version of FREEDOM but that a nation must have cohesiveness, the largest diversity of power still have a coherent oneness is the ideal condition. The largest diversity I propose is "county" and each county sheriff to have totalitarian law enforcement authority over the county and be subservient only to the people who vote them into office. The centralized government agency has no authority to arrest or to seize anything. It can issue warrants to the county sheriffs who must make a judgement call relative to the people who elected them. Now this leaves the sheriffs with a power which corrupts and so an agency of law enforcement officers must be initiated to control corruption. I propose the Texas Rangers as a constitution and to control the corruption of political office. The head of this department to be elected and answerable only to the people of the Republic of Texas.

To keep corporate Republic of Texas out of the political arena, I propose each candidate for public office to have access to a word processor and their political views to be posted on a Republic of Texas voting station(s). Past performance of candidates could then be easily recalled. Each elected official would have to sign a revocation of citizenship anonymously from that point to the end of their political tenure. From that point forward they are under the Texas Ranger's feudal system and past performance says they need to be controlled.

That leaves the office of President with a very narrow line of actions. The job description to be "to preserve the cohesive oneness of the Republic of Texas within the constitution of the Republic of Texas." This allows that office to call forth any army for protection of the Republic of Texas but would not allow that office to use that army to burn down a compound or shoot some persons wife and boy. I want severe restrictions on the interdiction of the centralized government relative to the populace of the Republic of Texas. I want severe restrictions on the interdiction of corporate Republic of Texas with the Republic of Texas officials.

I realize that this is only a small portion of what the constitution must contain but it is one of the more important parts. The Republic of Texas can justly have anything I have as long as it is done under the constitution but not under any circumstances can it have my rights to FREEDOM OF INDEPENDENCE.

Elijah Independence Bishop, Justiceburg

It had been observed that a pure democracy if it were practicable would be the most perfect government. Experience has proved that no position is more false than this. The ancient democracies in which the people themselves deliberated never possessed one good feature of government. Their very character was tyranny; their figure deformity. - Alexander Hamilton (Speech, June 21, 1788)

Freedom to speak, freedom to write...

Would-be Texicans

By the time this is printed in the August issue I will have been granted my citizenship into the Republic. Either by the fact that I was born in Texas in 1949 or by application for citizenship. Which ever comes first.

You may ask why? Well, after asking God for wisdom in the matter this is my conclusion.

All of us Americans, patriots, Libertarians, Republicans or anything else you want to call yourself have somewhat of a fear of our federal government not only getting bigger but also stronger or may I say more oppressive. There is a battle being fought to control our government. Some have been waging this battle for 30 some odd years now. Others have only recently joined. I started in 1977 but when Reagan was elected I sold my guns, ate all my food and generally thought everything was ok. Well, here we are again, with government bigger and bolder than ever. And all of a sudden up jumps the Republic of Texas. Who would of thunk it. At first I thought I didn't have the time to get sidetracked with this RT stuff but the more they talked the more it looked like they were fighting for the same things the rest of us American Patriots were. They're just on a different battle field. A much smaller one I might add. Real close to home too. I can actually meet with these guys. Call them by their first name. I've been to Rick's farm and have him on video tape before I knew anything about the Republic.

What I am trying to say is I am going to the battle that is local. The odds against all patriots are high at any level. Therefore I choose the one I can do the most with and that's the one right here in Texas.

C.S. Lewis wrote, "courage is not simply one of the virtues, but the form of every virtue at the testing point, a charity or honest or mercy which yields to danger will be chaste or honest or merciful only on conditions. Pilate was merciful till it became risky." Take courage my fellow Texicans, the battle has just begun.

Tom Donaldson, Lubbock

Congratulations on the excellent magazine. Your work is exemplary.

With regards to Mr Duncan's column about the Texas Constitution, may it be suggested that the U.S. supreme Court knew what they meant when they said,

The Constitution is the government and the government is the Constitution, and any employee, agency or division of government is there merely to administer the Constitution.

That's not a direct quote, but it's as close as I can get until I can get back into my files again to dig up the case.

The government does not have any people. It is a piece of paper, directing people who are bound to it, specifying what they CAN do, SHALL do, and SHALL NOT do. The Constitution CONSTITUTES the government, that's why it is called a constitution. Then the agencies, etc are empowered and limited to apply it. That is the will of a Godly people who serve in Christ's government, for without the foundation of the supreme laws of God, the internal compass will not swing to the genius of the constitution. That failure is called corruption.

Unless I am mistaken, the function of writing a constitution is to set forth in clear terms the answers to the questions: "What is the Government of Christ in such and such a situation?" That is a far cry from the question of what do you or I or some other person(s) want in a government in such and such a situation.

Without the proper foundation, will a constitution do anything other than act as a means to allow the ungodly to enforce their human imaginations upon their fellow man?

With the proper foundations, can a constitution be written so clearly and enforced so carefully as to act as a permanent barrier against ungodly imaginations masquerading as law? I pray that it be so.

May God richly bless you and your family in your endeavors and in His service.

In Him I remain

Sincerely yours,

Johonnas Eicke

Freedom to speak, freedom to write..

Citizen differs with Morales

Dan Morales, Attorney General

State of Texas,

(a corporate state not the guaranteed republic)

Dear Sir,

In regard to your opinion "DM-389", I beg to

differ with you unless you are above the United

States Constitution (original with bill of rights).

The US Constitution states in article III sections

1, 2 (1) (2) (3) & 3. (1) (2) and amendment VII

That:

1. The judicial power of the united states, shall

be vested in one supreme court, and in such

inferior courts as the congress may from time to

time obtain and establish. The judges, both of

the supreme court, and inferior courts, shall hold

their offices during good Behavior, and shall, at

stated times, receive for their services, a

Compensation, which shall not be diminished

during their Continuance in office.

2. (1) The judicial power shall extend to all

cases, in Law (common law) and Equity, arising

under this Constitution, the Laws of the United

States, and Treaties made, or which shall be

made, under their Authority; to all cases affecting

Ambassadors, other Public Ministers and Consuls;

to all Cases of admiralty and maritime

Jurisdiction; to Controversies to which the United

States shall be a Party; to Controversies between

two or more States; between a State and Citizens

of different States; between Citizens of the same

State claiming Lands under Grants of different

States, and between a State, or the Citizens

thereof, and foreign States, Citizens or Subjects.

(2) In all cases affecting Ambassadors, other

public Ministers and Counsels, and those in

which a State shall be Party, the supreme court

shall have original Jurisdiction. In all the other

cases before mentioned, the supreme court shall

have appellate Jurisdiction, both as to Law and

Fact, with such Exceptions, and under such

Regulations as the Congress shall make.

(3) The Trial of all Crimes, except in Cases of

Impeachment; shall be by jury; and such Trial

shall be held in the State where the said Crimes
shall have been committed; but when not
committed within any State, the Trial shall be
held at such Place or Places as the Congress may
by Law have have directed.

Section 3. Treason against the United States,
shall consist only in levying War against them,
or in adhering to their Enemies, giving them Aid
and Comfort. No Person shall be convicted or
Treason unless on the Testimony of two Witnesses
to the same overt Act, or on Confession in open
Court.

Amendment VII. In suits at common law, where
the value in controversy shall exceed twenty
dollars, the right by trial by jury shall be
preserved, and no fact tried by a jury shall be
otherwise re-examined in any Court of the United
States, than according to the rules of the common
law.

Sincerely,

Paul Milton Rhoads

Chicago, Ill.

Since Suits at common Law and jury are
guaranteed in the constitution the citizens of any
state may convene and conduct common law
courts when the Corporate state makes no
provision for common law courts, therefore those
common law courts are lawful and the public
officers must respect and abide by their rulings.

When even one American—who has done nothing
wrong—is forced by fear to shut his mind and
close his mouth, then all Americans are in peril.

Harry Truman

"He that would make his own liberty
secure must guard even his enemy from
oppression; for if he violates this duty he
establishes a precedent that will reach to himself."

Thomas Paine

"Freedom of thought is the only guarantee against
an infection of people by mass myths, which in the
hands of treacherous hypocrites and demagogues,
can be transformed into bloody dictatorships.

(Andre Sakharov)

Bunton releases McLaren pending appeal

Finally, A Little Justice From West Of The Pecos River

by Tom Gipson

Rick McLaren gave another masterful performance in Judge Lucius Bunton's court during his bond hearing in Pecos on June 6, 1996. The presence of Ambassador McLaren, accompanied by his able counsel John Fahley, could be immediately felt when he entered the courtroom.

McLaren's air of confidence was contagious and dominated the court in spite of McLaren's somewhat shabby personal appearance, which was a direct result of his recent incarceration. McLaren was sporting a newly grown beard and dressed in apparently the same clothes he was wearing at the time of his arrest, with the

addition of an obviously borrowed jacket and tie.

The courtroom is clearly the Ambassador's domain and, in spite of the high stakes involved, he appeared comfortable and was obviously in control. Fahley began by calling two witnesses who had known McLaren for a number of years, who testified to his high morals and good standing in the community.

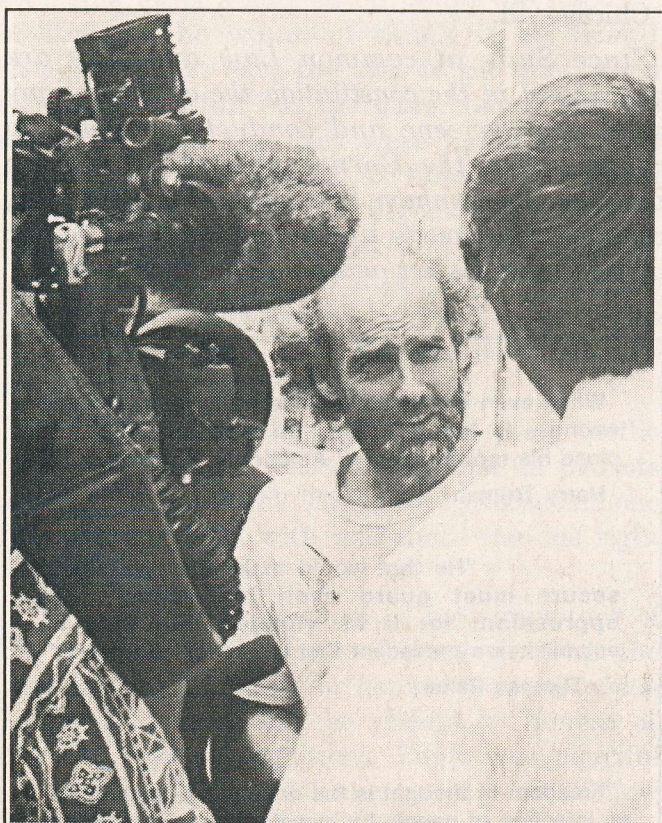
Fahley then called McLaren to testify in his own behalf. After Fahley had finished with his questioning, the attorney for Stewart Title Co., Michael Morgan, had a few questions for the Ambassador. At one point during the questioning by Morgan, Morgan complained to Judge Bunton about McLaren's vociferous answers, saying it was apparent that the Ambassador was not capable of a simple yes or no answer.

Morgan claimed that he was effectively being filibustered by McLaren. The Ambassador, in his transcendent style, even questioned Morgan from the witness stand! Judge Bunton did not comment on McLaren's questioning of Morgan. Finally, Morgan protested by stating that he would ask the questions.

After Morgan finished, Judge Bunton had a few questions for McLaren which were obviously designed to determine if McLaren was a "flight risk." Judge Bunton asked McLaren if he (Judge Bunton) had been indicted by the grand jury. This question by the judge was quite interesting, because no one seems to know for sure exactly to which grand jury Judge Bunton was referring.

Might he have been concerned about a Republic of Texas grand jury, or perhaps an international war crimes grand jury? After all, Ambassador McLaren was arrested on his order and it is well established that foreign Ambassadors do have diplomatic immunity from arrest by a foreign power.

Judge Bunton also asked if Ambassador McLaren would stay within the boundary of Texas, to which McLaren consented. Then, as if to clarify exactly what the boundary was, Judge Bunton asked McLaren if he recognized the



Rick McLaren is interviewed by KHOU TV crew outside the courthouse in Pecos, minutes after the Ambassador was released on bail, pending appeal of his civil contempt charge. (Photo by Carolyn Carney)

existing "state" boundary as recognized today, or of Texas, which extended into what is now Wyoming. McLaren said he would stay within the existing boundary.

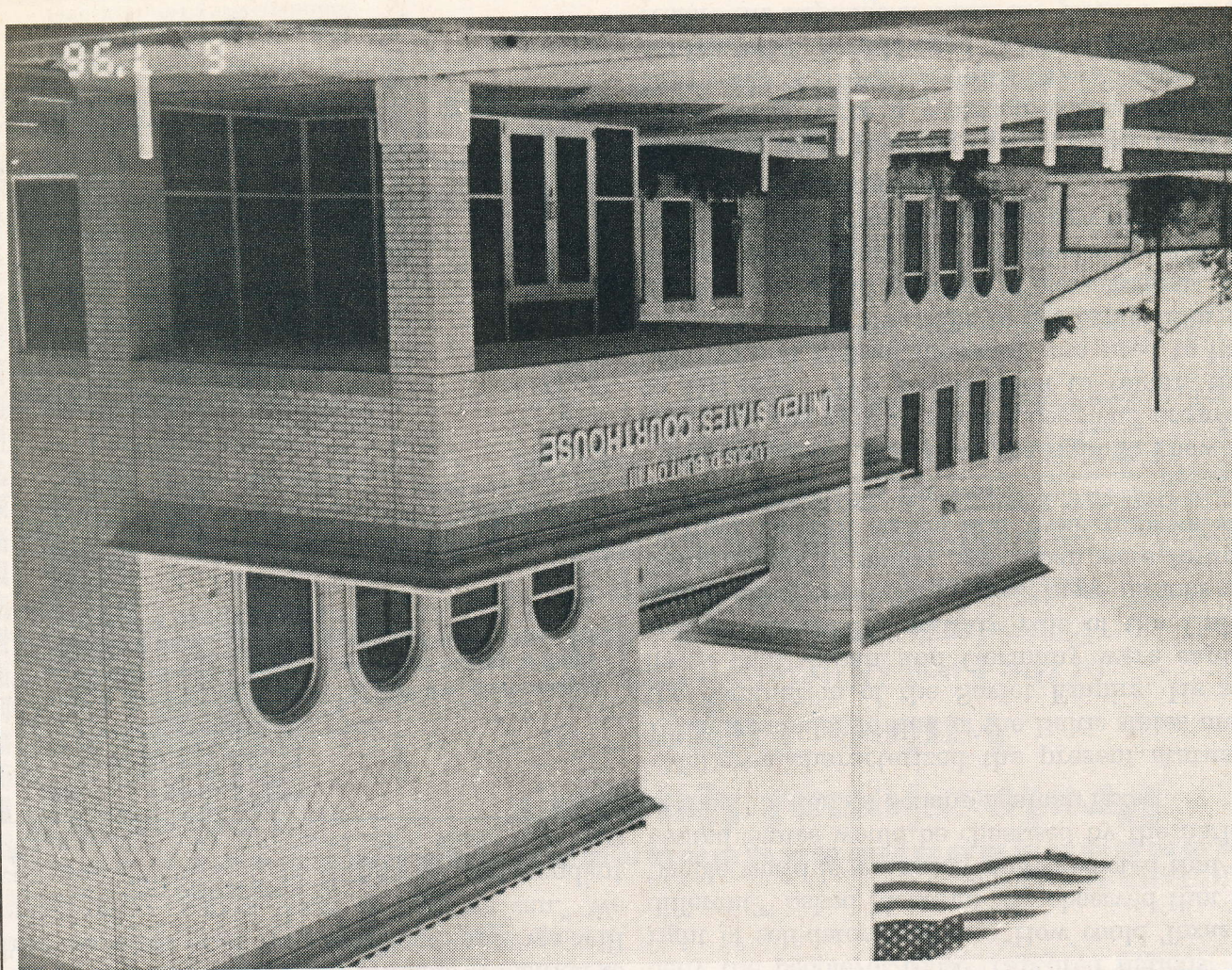
Judge Buntun inquired if McLaren intended to apply for a U.S. passport, which brought a chuckle from the Ambassador and an emphatic no. There seemed to be some confusion on Judge Buntun's part as to the nature of the proceeding when he asked McLaren if the proceedings were judicial or diplomatic, to which McLaren answered that it was both.

Judge Buntun apparently determined that Ambassador McLaren was not a flight risk and ordered him released on an unsecured appearance bond. This action seemed quite remarkable to me, because I have been unable to get myself released from jail on a minor, non-moving traffic charge through an unsecured bond.

After the hearing, McLaren exited through the front door of the courthouse, accompanied by Fahley, to the awaiting news media. McLaren stated to the assembled news people that he intends to force the question of Texas' right to legally be in the union of states and that he can prove by the foreign laws of the United States that Texas is lawfully a nation.

He emphasized that Texas was never lawfully brought into the union of states and has the status of a "captured nation." The media was informed, by McLaren, that papers had been filed in the United Nations recently and the issue will probably go to the Supreme Court of the United States, where he intends to win, and is confident of winning. Ambassador McLaren noted that since 1959, the United States has held a "Captive Nations Week" by Presidential Proclamation, in the third week of July, as a protest to those countries that hold other nations captive and

(Continued on Page 12)

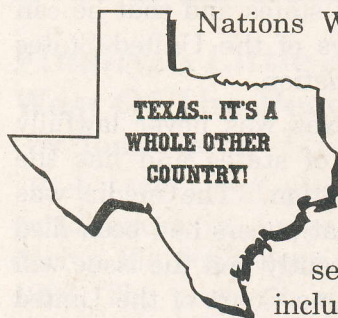


The "Buntun" courthouse in Pecos.

Time for U.S. to live by its words...

by Wesley W. Burnett

Every year since 1959, the U.S. has observed the third week in July as Captive Nations Week (CNW). Presidents traditionally issue proclamations declaring U.S. support of people seeking their independence. It will be interesting this year to see if the U.S. president includes the Republic of Texas in his proclamation. In 1994 President Clinton marked the 45th commemoration of CNW by pointing out "our national expression of support for the people of the world who continue to suffer the yoke of oppressive governments." He continued, "Freedom is a work in process. The people of the former Soviet bloc are making the arduous transition to free societies and free markets, and we will endeavor to support them as best we can." We can only wonder if he thinks an independent Texas is any less important than those republics



formerly under the heavy-hand of Russia. "I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and in so doing to rededicate ourselves to the principles of freedom and justice on which this Nation was founded and by which we will endure." Okay, he could start this year by recognizing the lawful nature of the Republic of Texas and assist in the transitional plan with the provisional government. Texas, being a captive nation since the close of the War Between the States, and forced into the union through military rule in 1876, should have the same consideration as those nations President Clinton is so concerned about in Europe, Asia and Africa.



McLaren free...

(Continued from Page 11)

deny the people of those "captured nations" the right of self-determination. "How could Texas be different?" asked McLaren. He observed that the "whole world is watching" and predicted that the United States would be chastised by the nations of the U.N. for its actions against Texas.

McLaren characterized the present status of Texas as similar to that of the Baltic states under the domination of the Soviet Empire. He also noted that Japan and Germany were captive nations under the military rule of the United States after World War II, but those nations and the people of Germany and Japan were restored to their rightful status and their right of self-determination after the war.

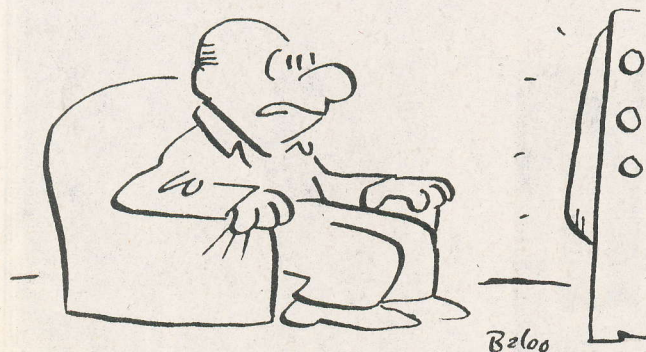
"The people of Texas have the right to know the truth and the right to make a decision," according to McLaren. "The people need to regain their political and judicial processes and need to have self-government. We want to get away from the global, one world concept of government. The existing government could be reduced by 80%. We are trying to force a coalition government with the State by peaceful means."

McLaren noted that the PLO is trying to do the same thing (force a coalition government) but they are killing people every day. The Ambassador emphasized those attempting to restore the Republic of Texas are peaceful and use only lawful methods.



Representative Henry J. Hyde.

Most people don't know it, but the government can take people's homes, cars, and money without charging them with a crime—and the burden of recovery is on the owners!



"An IRS pledge week?"

John Fahley presents strong case for appeal

by Wesley W. Burnett

It appears that Rick McLaren and John Fahley are on the same page when it comes to the preparation for McLaren's motion for release pending appeal. Fahley's outline of the case raises serious constitutional and jurisdictional issues, which will (or have been) taken to the 5th Circuit Court in New Orleans.

We believe the following document, which Fahley submitted at the hearing June 7, speaks for itself.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS,
PECOS DIVISION
STEWART TITLE GUARANTY CO.
V.

RICHARD McLAREN

No. P-96-CA-64

MOTION FOR RELEASE PENDING APPEAL

Comes now Richard Lance McLaren, by and through his attorney of record, John Fahley, and respectfully moves this Court to set bail and conditions of release pending the appeal of the contempt order entered by this Court on May 13, 1996, and as ground therefore would respectfully show the Court the following:

Appealability

The Order entered by this Court on May 13, 1996, and now appealed from by Richard McLaren was an order of civil contempt, arising from alleged violations of a final injunction. Such an order, as distinct from an order of contempt arising from the violation of an interlocutory in-

(Continued on Page 14)

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Ambassador Rick McLaren in
an inspiring appearance at a
public forum in Lubbock, June 7, 1996

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Fahley's appeal to Bunton...

(Continued from Page 13)

junction, is immediately appealable. *State of New York v. Shore Realty co.*, 763 F.2d 49 (2d Cir. 1985); *In Re Grand Jury Subpoena for Attorney Representing Criminal Defendant Reyes-Requena (DeGeurinII)*, 926 F.2d 1423, 1429 (5th Cir. 1991). The Fifth Circuit further requires that, in order to be appealable, a civil contempt order must contain both a finding of contempt and a sanction for that contempt. *Petroleos Mexicanos v. Crawford Enterprises, Inc.*, 826 F.2d 392, 298 (5th Cir. 1987).

include a term of imprisonment, or (iv) a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process.

If the judicial officer makes such findings, such judicial officer shall order the release of the person in accordance with section 3142(b) or © of this title, except that in the circumstance described in paragraph (b)(2)(D), the judicial officer shall order the detention terminated at the expiration of the likely reduced sentence.

Not a Danger to the Community

Stewart Title has never alleged that McLaren presents any danger to the community, nor does Appellant McLaren expect that Stewart would make such an allegation now. Nor has this Court ever made such a finding. Appellant would respectfully request that this Court, if necessary, assign a pretrial services officer to conduct an interview and investigation to determine whether he presents any danger to the community. Further, because the burden rests on McLaren on this issue, Appellant McLaren respectfully requests a hearing at which he might present evidence that he does not pose a danger to the community, including but not limited to evidence that he has never been convicted of any violent offense, that he is a long-time resident of the community, that his reputation for being peaceful and law-abiding are good, and that credible members of the community hold the opinion that he is peaceful and law-abiding.

Not a Flight Risk

Appellant McLaren does not pose a flight risk, should he be released on bail. Though he has failed to appear for hearings scheduled before this Honorable Court in the past, he did so because

he did not recognize the authority of this Court to order him to so appear. However, he never fled, hid, or otherwise made himself unavailable. Should he be granted release pending appeal, Mr McLaren will no doubt be required to sign a promise to appear before this Court. While McLaren will not concede the jurisdiction of this Court over his person, he will nevertheless honor a promise that he makes to appear before this Honorable Court. Mr McLaren hereby requests a hearing at which he may present evidence of all of the above, as well as evidence that he has strong ties to the community and other evidence tending to show that he does not present a flight risk.

Substantial Issues Likely to

Result in Reversal

In order to find that the appeal is "likely" to result in a reversal or a new trial, the District Court is not required to essentially reverse itself, and determine that its earlier rulings are not likely to be upheld on appeal. *United States v. Powell*, 761 F.2d 1227 (8th Cir. 1985); *United States v. Handy*, 761 F.2d 1279 (9th Cir. 1985). Rather, the Court must merely find that the issues presented are "fairly debatable," and that they are the type which, if decided in Appellant's favor, would probably result in reversal or new trial. *Id.*

Congress did not intend to limit bail pending appeal to cases in which the defendant can demonstrate at the outset of appellate proceedings that the appeal will probably result in reversal or an order for new trial ... [R]equiring the defendant to demonstrate to the district court that its ruling is likely to result in reversal is tantamount to requiring the district court to certify that it believes its ruling to be erroneous. Such an interpretation of the Act would make a mockery of the requirement of F.R.App.P. 9(b) that the application for bail be made in the first instance in the district court. We do not think Congress intended to invalidate that requirement sub silentio and thereby to vest exclusive authority over post-sentencing bail motions in the appellate courts ... [W]e find that the word "substantial" defines the level of merit required in the question raised on appeal, while the phrase "likely to result in reversal" defines the type of question that must be presented.

(Continued on Page 15)

(Continued from Page 14)

United States v. Handy, 761 F.2d 1279, 1280 (9th Cir. 1985).

The Fifth Circuit has adopted this same interpretation, with the modification that a substantial question must be one which raises a "substantial doubt" rather than merely a "fair doubt" as to the outcome of the question. United States v. Valera-Elizondo, 761 F.2d 1020, 1024 (5th Cir. 1985). In other words, the question presented for appeal must be a "close question or one that could very well be decided the other way." Id.

[A] convicted defendant has the burden of establishing the following four factors in order to obtain release on bail pending appeal:

1) that the defendant is not likely to flee or pose a danger to the safety of any other person or the community if released;

2) that the appeal is not for purposes of delay;

3) that the appeal raises a substantial question of law or fact;

4) that if the substantial question of law or fact is determined favorably to the defendant on appeal, that decision is likely to result in reversal or an order for new trial...

United States v. Valera-Elizondo, 761 F.2d 1020, 1024 (5th Cir. 1985).

Substantial Issues for Appeal

Applicant McLaren intends to present on appeal several issues which constitute substantial issues of fact or law, and which, if decided in his favor, would likely result in a reversal or an order for new trial, including but not limited to the following issues.*

McLaren did Not have Actual Notice

of the Injunction

As this Honorable Court stated in its contempt Order of May 13, 1996, a party commits contempt only if he violates a definite and specific order

*Throughout this pleading, Defendant is required to assert what issues he intends to raise on appeal, and an explanation of why those issues are "fairly debatable." See United States v. Valera-Elizondo, 761 F.2d 1020 (5th Cir. 1985); United States v. Montoya, 908 F.2d 450 (9th Cir. 1990). By raising some issues in this pleading, Defendant does not intend that he should be bound to only those issues on appeal, or to the arguments made in support of those issues in this pleading.

(Continued on Page 16)

McLaren raised at the show cause hearing before this Honorable Court the issue that he did not have actual notice of this Court's final judgment or injunction, and there was no evidence that he did have such notice. The burden of proof in a motion for contempt falls on the movant, in this case, Stewart Title. Petroleum Mexicanos v. Crawford Enterprises, Inc., 826 F.2d 392, 401 (5th Cir. 1987). Because Stewart Title did not produce evidence of McLaren's knowledge of the underlying Order, the finding of contempt should be reversed.

The Fifth Circuit has never ruled on what constitutes sufficient knowledge for purposes of holding a party in contempt, i.e., whether such knowledge must be actual knowledge or whether constructive knowledge will suffice. As such, this is a novel question of law in this Circuit, which is one form of substantial issue for appeal.

[T]he first consideration is the soundness of the errors alleged. Are they, or any of them, likely to command the respect of the appellate judges? It is not enough that I am unimpressed. I must decide whether there is a school of thought, a philosophical view, a technical argument, an analogy, an appeal to precedent or reason commanding respect that might possibly prevail... A question

may nevertheless be "substantial" ... if it is novel, or if there is a contrariety of views concerning it in the several circuits, or if the appellate court should give direction to its district judges on the question, or if in the interest of the administration of justice some clarification of an existing rule should be made.



John Fahley (Photo by Carolyn Carney)

"with knowledge of the Court's Order." Contempt Order at 7, citing Travelhost v. Blandford, 68 F.3d 958, 961 (5th Cir. 1996). The knowledge requirement has been held by other Courts to be a requirement of actual, rather than constructive, knowledge. CBS, Inc. v. Pennsylvania Record Outlet, Inc., 598 F.Supp 1549 (W.D. Pa. 1984) citing Thompson v. Johnson, 410 F.Supp. 633 (E.D. Pa. 1976), aff'd without opinion 556 F.2d 568 (3d Cir. 1977).

Serious questions raised at hearing...

(Continued from Page 15)

United States v. Handy, 761 F.2d at 1281, quoting Herzog v. United States, 75 S.Ct. 349, 351, 99 L.Ed. 1299 (1955)(per Justice Douglas)(emphasis added).

This Circuit has also recognized that the absence of controlling precedent is one factor to be considered in determining whether an appellate issue is "substantial," unless there is "no real reason to believe that this circuit would depart from unanimous resolution of the issue by other circuits." United States v. Valer-Elizondo, 761 F.2d 1020, 1024, (5th Cir. 1985), quoting United States v. Giancola, 754 F.2d 898 (11th Cir. 1985).

Mootness and Impossibility

Another issue which Applicant will raise on appeal is that the issues raised in the contempt motion, and the actions which this Court ordered McLaren to take, are moot. In its contempt order, this Court ordered McLaren to withdraw his Notice of Disqualification Under the Law of Nations. It appears that the Court is referring to a letter sent to the District Clerk for the Western District of Texas on April 1, 1996, by "those acting in concert or active participation with McLaren," noticing all parties that this Court had been disqualified to sit in this manner.

This letter was referenced in this Court's first finding of ways in which McLaren has violated the injunction of this Court. However, the finding also states that McLaren did not sign this letter. Contempt Order, at 5. It is therefore impossible for McLaren to comply with this Court's order to withdraw same, since he cannot withdraw what he did not file.

Present impossibility of compliance is a complete defense to a finding of contempt. *Petroleos Mexicanos v. Crawford Enterprises, Inc.*, 826 F.2d 392, 401 (5th Cir. 1987), citing *United States v. Rylander*, 460 U.S. 752 (1983). Because civil contempt seeks to coerce compliance with a directive, same is not appropriate unless obedience is within the present, rather than the past or future, ability of the contemnor. *Badgley v. Santacroce*, 800 F.2d 33, 36 (2d Cir. 1986).

Additionally, according to this Court's judgment of April 4, 1996, the Notice of Disqualification had no legal effect, and it is therefore moot whether

McLaren withdraws that document, even if same were within his power. Judgment at 3-4, paragraphs b, u, and v.

Similarly, in its contempt order this Court directed McLaren to withdraw "his" Notices of Hearings, Notices of Removal, Subpoenas, or other attempts to cause this matter and these issues to be heard before any other court or purported court in any other location other than the United States District Courtroom, Pecos Division.

The Court made several findings regarding alleged violations of the permanent injunction in support of this part of its Contempt Order, including findings 3, 4, 5, 6, 7, and 8. As to findings 3, 5, 6, and 8, the Court noted that McLaren had not signed any of these documents, nor did the Court find — nor was there any showing — that he personally participated in their making.

As to finding number Four, the Court found that McLaren had signed a letter to the Common Law Court in Tarrant County stating that this Court had "attempted to try Case No. 96-00747-CL," and directing the Common Law Court to add Judge Bunton as a party in fact with Stewart Title against the Republic of Texas and its citizens.

It should first be noted that this action was not a violation of any order of this Honorable Court. This Court's injunction precluded any of the defendants from commencing suit in any forum (which presumably included the Republic of Texas Courts) against or concerning "officers, directors, shareholders, affiliates, attorneys, or employees or Stewart Title" based in whole or in part on the facts surrounding this litigation. Clearly, such a proscription does not include the Judge of this Honorable Court.

Additionally, to the extent that this document did violate the order of this Court, the document is now moot, given the Judgment of this Court dated April 4, 1996, stating that any actions or purported actions taking place in any Court under the authority of the Republic of Texas had no legal effect. Judgment at 4.

Finally, finding number 7, wherein this Court found that McLaren had sent a letter to the Chief Justice of the United States Supreme Court, Chief Judge Politz of the United States Court of

(Continued on Page 17)

(Continued from Page 16)

1204 (5th Cir. 1987). Because this Court lacked jurisdiction to enter the Order at issue here, Applicant's filings could not constitute a basis for contempt.

Conclusion and Prayer for Relief

Applicant McLaren respectfully moves this Court for release pending appeal, under such conditions and such bail as this Court deems appropriate, or, in the alternative, for a hearing at which he may establish that he is not a flight risk or a danger to the community, and that he has raised substantial issues likely to result in reversal.

Respectfully Submitted,

John Fahley

127 Lewis Street

San Antonio, Texas 78212

(210) 226-2161

State Bar No. 00784031

Attorney for Defendant,

Richard Lance McLaren

Certificate of Service

I hereby certify that a copy of the above Motion has been served by United States mail this day of May, 1996, upon Michael Morgan, Attorney for the Plaintiff, at P.O. Box 1271, Midland, Texas 79701.



Thoughts for the Day:

"When they took the fourth amendment, I was quiet because I don't deal drugs
When they took the sixth amendment, I was quiet because I'm innocent.
When they took the second amendment, I was quiet because I don't own a gun
Now they've taken the first amendment and I can't say anything at all."
(sig., seen on the net)

"The Revolution of the United States was the result of a mature and reflecting preference for freedom, not of a vague or ill-defined craving for independence. It did not contract an alliance with the turbulent passion of anarchy, but its course was marked, on the contrary, by the love of order and law." (Alexis De Tocqueville 1805-1859)

Appeals for the Fifth Circuit, and the Clerk of this Court, returning the show cause order for failure to show lawful jurisdiction and crossing out same as "refused," does not violate any order of this Court. Again, to the extent that it does, the issue is moot, since this Court ruled that same had no legal effect. Finally, to the extent that this letter from McLaren did have any legal effect, this Court may not lawfully enjoin a party from seeking legal redress from a higher Court of competent jurisdiction. If those Courts lacked jurisdiction to grant the relief requested, they were, of course, capable of denying same, as, in fact, happened with the letter to Judge Politz, which was treated as a §371 complaint and dismissed.

The last thing this Court ordered McLaren to do in the contempt order of May 13, 1996, was to withdraw any and all liens, commercial filings, pleadings, or claims against Stewart Title Guaranty Co., or any parties to this action. Again, the Court made only one finding which arguably support this section of the Order. Finding number 2 states that McLaren filed a notice of Lis Pendens in the records of the Travis County Clerk, stating that this action had been transferred to the Common Law Court. Again, this Lis Pendens, according to the judgment of this Court filed April 4, 1996, had no legal effect, and thus the issue is moot.

Lack of Jurisdiction —

The All Writs Act

Finally, this Court had not jurisdiction to enter its original final injunction, to the extent of the extent that some enjoined any actions in State Courts. This presumably would include filings with County Clerks. The All Writs Act, 28 U.S.C. §2283, prohibits federal Courts from enjoining State Court actions, except under very narrowly limited circumstances. Because none of these circumstances were present here, this Court lacked jurisdiction to enter its original judgment. While invalidity of the underlying order is not a defense in a criminal contempt case, it is nevertheless a defense in a civil contempt case. Collins v. Barry, 841 F.2d 1297, 1299 (6th Cir. 1988). Further, if the District Court lacked jurisdiction to enter the underlying order, then a party may disobey such order without fear of criminal or civil contempt sanctions. United States v. Revie, 834 F.2d 1198,

Morales publicity tactic backfires

by Wesley W. Burnett

An obvious publicity stunt, which got the publicity state attorney general Dan Morales hoped for, has backfired in a big way. The target of Mr Morales' May 20 threatening letter, Mr Tim Ryan of El Campo, has hired a lawyer, who is reported to have said that Mr Ryan's reputation has been damaged severely and may result in legal action against the attorney general.

What appeared on the surface to be a letter addressed to 55 Republic of Texas citizens, and was reported widely in Texas to be just that, was actually a letter addressed to a state registered business named Republic of Texas Corporation, with Tim Ryan named as registered agent.

It took my partner a few short minutes to expose the letter and its purposes as the sham that it was. Charlie Duncan simply picked up the phone and called the Ryan home in El Campo.

Mrs Ryan answered, and was obviously shaken by the entire incident. She said that they had gotten a call the night before from a Dallas Morning News reporter, who told them about the letter. Morales' letter had not yet arrived at the Ryan home.

Mrs Ryan told Charlie that they were really nervous, "we don't want people to think we are radical..." and they took off the special sign they had made for their pickup truck. Mrs Ryan said she was worried the feds might come crashing through their door. She told Charlie she couldn't understand why Morales singled them out. It turns out that the Ryans have a small business, really more like a hobby, of Texana collectibles.

After Charlie talked to Mrs Ryan, I called Morales' office and spoke with one of the public information people. I asked the obvious question, "why was the letter sent, who were the 55 people and how were they selected to receive the letter." Morales' spokesman, Ward Tisdale said the letter was intended to "get the word out" about the Republic. Did they know that Mr and Mrs Ryan operated a business and were totally unconnected

to the Republic of Texas? "Yes," Tisdale answered.

"In other words," I replied, "this was simply a publicity stunt?" There was silence on the other end.

We submitted a formal "Freedom of Information" request for all 55 names and addresses and a response as to how those people came to get the letter. We have yet to receive an answer. We hope those who received letters will read this and send us a copy so that we can get the complete story.

We do know that none of the Republic of Texas provisional government officers received a copy of the letter.

It was simply an intimidation, designed to frighten people into silence about their feelings and activities on behalf of the Republic. I believe we can say that Morales' attempt to get publicity worked, but his attempt to silence the people has been an utter failure.

Although this letter is a miserably weak response to the claims of independence for the Republic, it is at least a response from a state elected official. Perhaps the Austin politicians got their heads together and pointed their finger at Morales... "you get 'em, Dan, it's your job."

Perhaps Mr Morales would do better to take a trip over to the state archives and sit down for a careful reading of the 2,000 pages of documentation placed there as proof of Texas' independent nation status.

His feeble attempt to smear the Republic is a strong indication that lacking evidence to refute the claims of independence, the esteemed attorney general must resort to slander.



In a mature society, "civil servant" is semantically equal to "civil master".

Excerpted from Time Enough For Love, copyright 1973 by Robert Heinlein

AG's letter to Mr Tim Ryan and 54 other Texans

May 20, 1996

Mr Tim Ryan

Registered Agent

Republic of Texas

Post Office Box 1253

El Campo, TX 77437

Re: Illegal "Republic of Texas" activities

Dear Mr Ryan:

Concerns have recently been brought to my

attention regarding the conduct of persons

purporting to belong to an organization

incorporated as the "Republic of Texas." These

concerns deal with possible violations of a variety

of Texas civil and criminal laws. I have also been

informed of a judgment, entered in the Court of

the Honorable Lucius D. Bunton, United States

District Judge, in the case of Stewart Title

Guaranty Co. v. McLaren, No P-96-CA-06 (April

4, 1996, W.D. Tex.) (the "Judgment") which

prohibits the "Republic of Texas", and those acting

in concert with it, from engaging in certain

unlawful conduct.

My office has reason to believe that you are a

person within the scope of the Judgment.

Accordingly, I am attaching a copy of the

Judgment hereto to provide you with notice of its

terms and requirements. My office has further

reason to believe that you and those acting with

you under the purported auspices of the "Republic

of Texas" have been engaged in a common

scheme and design to violate and undermine the

laws of this state to the detriment, damage and

prejudice of the functions of state and local

government, the functions of the governments of

the state's political subdivisions, and the property

rights of the citizens and residents of the state.

Accordingly, I hereby direct that you and all

persons acting in concert with you, including but

not limited to all purported members of the

"Republic of Texas", as well as the organization

itself, immediately cease and desist engaging in

any and all unlawful or illegal activity under the

purported authority of the "Republic of Texas",

involving, without limitation:

(1) representing the "Republic of Texas" to be an

"official government,"

(2) representing members of the "Republic of

Texas" to be "official government" personnel,

1973 by Robert Heinlein

Excerpted from Time Enough For Love, copyright

Does history record any case in which the majority

was right?

Sincerely,

Dan Morales

Attorney General

463-2191. It is my hope that you will receive this

directive with the full seriousness I intend.

Should you have any questions regarding the

propriety of specific conduct or activity, you may

consult any member in good standing of the State

Bar of Texas, or call Mr Drew Durham, Deputy

Attorney General for Criminal Justice at (512)

463-2191. It is my hope that you will receive this

directive with the full seriousness I intend.

Sincerely,

Dan Morales

Attorney General

Texas Provisional Government demands Morales adhere to international law

Editor's Note: The following is a news release from the provisional government responding to Mr Morales' letter:

In a bizarre administrative foul-up, state Attorney General Dan Morales sent a threatening letter to a Mr. Tim Ryan of El Campo, who operates a small Texana memorabilia business and had the misfortune of following state law in applying for a corporate license in 1994 under the name of "Republic of Texas, Inc."

Mr. Morales and his staff failed to check public records to learn that the independent nation of Texas is not a corporation and has no members; although the Republic of Texas has thousands of Citizens who changed their citizenship to the Republic, and its Provisional Government has elected officers.

Mr. Morales' letter, which was the subject of a Dallas Morning News (5/23/96) article, was reputedly sent to 55 Texas Citizens in an obvious attempt to intimidate and frighten them. It singled them out with an order to 'immediately cease and desist engaging in any and all unlawful or illegal activity under the purported authority of the 'Republic of Texas.'"

Since no illegal activity has been undertaken to date, the tone of the two-page letter is as an official assumption of or expectation of illegal activity by normal, law-abiding people.

This is harassment by government authorities, apparently prepared for in advance by first

demonizing the Republic in the news media by falsely trying to associate it with anti-government militias, tax-protesters, irresponsible lien filers and assorted terrorists.

Mr. Tim Ryan of El Campo, who was mistakenly identified by Morales as being associated with the Republic of Texas Provisional Government, was mystified and frightened by the Attorney General's letter. This was all news to him and his wife. It is intimidating to have the force of government directed at you even when you are innocent. Now every knock at their door or ring of their telephone is at first frightening rather than welcome business.

A May 20, 1996 Notice of Demand by the People and Citizens of the Republic of Texas to the Secretary of State of the United States, Warren Christopher, encompasses a refusal of the order that Mr. Morales refers to as the basis of his charges against the Republic since that order is bogus under international law and in violation of the Texas Supreme Court case no. 95-1002.

Chief Foreign Legal Officer, Richard Lance, McLaren, of the Republic of Texas Provisional Government said, "We have lawfully and legally re-established the Republic of Texas by fulfilling all the requirements under the constitutions and international law.

Where was Mr. Morales when our Provisional Government offered to sit down at the table and discuss an orderly transition?

Where was Mr. Morales when the Provisional Government presented its claims to the Texas Supreme Court, which ruled the entire state's legal system lacks jurisdiction in the issue about our sovereignty?

Where was Mr. Morales when the Milam District Court requested him to defend his corporate state of Texas against the Republic in an open court at law?

These frantic attempts by Mr. Morales to attack the Texans who are flocking to liberty in the Republic now that it has become a done deal, using the old regime's own rules of procedure, is his belated attempt to make up for his lack of diligence when it was called upon."

Throughout history, poverty is the normal condition of man. Advances which permit this norm to be exceeded — here and there, now and then — are the work of an extremely small minority, frequently despised, often condemned, and almost always opposed by all right-thinking people. Whenever this tiny minority is kept from creating, or (as sometimes happens) is driven out of a society, the people then slip back into abject poverty.

This is known as "bad luck".

Excerpted from *Time Enough For Love*, copyright 1973 by Robert Heinlein

On writing a new constitution...

August 1996

Republic of Texas Magazine

Page 21

Editor's Note: We are encouraging our readers to submit ideas and proposals for a new Republic of Texas constitution. One of the principle tasks of the provisional government is to develop a plan for a constitutional convention for the purpose of writing a constitution, which will then be presented to the people for ratification.

Don't trust any government

Under the constitution and the retrospective document upon which it was drawn (the declaration), any area of the United States has the "right and obligation" to reform its government.

Texas just happens to be the only state that can do it the easiest because it was illegally inducted into the union of states. Hawaii and Oklahoma may also have the easy way but the rest of the area will have to prove that the United States is not now under the type of government that the Constitution and Declaration prescribe it to have. I was taught the legal proceedings and ramifications of the separation of Texas from the Union in the elementary schools. All it ever took was one person going through the legal process and I believe it has been done correctly. It did not have to be 51% of the residents, just one person. Now it is going to take 51% of the residents **and** a constitutional amendment to reestablish Texas as a "state".

My cause has never been "because of illegal induction" but is "the right and obligation". The illegal induction just makes the process of "right and obligation" easy. My worry is not separation from the United States but is the Constitution of the new nation which will evolve as the "Republic of Texas". The originators of the "Bill of Rights" had a hard time getting it in the constitution. This was supposed to prohibit the establishment of a feudal system government. Such things as Ruby Ridge, Waco, saying NO, but the KING sending 19 Trillion to Mexico, are not supposed to happen without dire consequences under the Constitution but look at the retribution extracted. Nada.

NOW, BEFORE the constitution of the new nation is written, I hope to educate the citizens

People have given up their birthright

Elijah Independence Bishop

of the Republic of Texas to the insidious ways of politicians. That means distrust everyone in the government of the United States and in the emerging Republic of Texas.

One final word. The feudal system now has you listed as "terrorist" and will proceed at all feudal system speed. Look at your last magazine and you will know why they will list you as terrorist and all the processes they can/will bring to bear.

The states have sold their rights under the 10th amendment for billions of dollars in federal handouts, we the people have turned to the federal government to do things for us that we can and should do for ourselves. In other words, the problem (as always) is not the Constitution but WE THE PEOPLE!!!!!!

If you fine people of Texas are successful in your intent to establish a Republic then I hope you have learned the lesson of what caused us to lose this one. NOT because the Constitution was inadequate within itself, but because we the people have been inadequate in protecting and preserving it.

If you are successful then I hope you do not abandon the rest of us but that you then use your newly found freedoms to help educate the rest of us to reject the insidious and tempting bait offered by the evil empire with the clear intent to enslave us.

If the states reject federal money then they would have their freedom under the 10th

(Continued on Page 22)

Are you a Republic citizen?

What is citizenship?

by Wesley W. Burnett

In a recent telephone interview, a major metropolitan daily newspaper reporter asked me the standard question: "Are you a citizen of the Republic?"

I hesitated for a moment, as I have learned to do when being interviewed by news media folks... mainly to get my bearings. After a brief pause, I answered, "It depends on how you define citizenship."

There was silence on the other end of the phone.

Shortly, the reporter blurted out, "Well, did you sign the form?"

"No," I replied, "and I don't intend to."

The conversation then switched to another subject.

In the meantime, my partner Charlie Duncan

and I have had several conversations about this issue. What is a citizen? We both feel that the Republic of Texas (RT) Provisional Government (PG) has no constitutional foundation to require people to sign some kind of form or submit to a fingerprint or any other statement.

We base our belief on the 1836 Republic of Texas constitution:

General Provisions. Sec. 6. All free white persons who shall emigrate to this republic, and who shall, after a residence of six months, make oath before some competent authority that he intends to reside permanently in the same, and shall swear to support this constitution, and that he will bear true allegiance to the republic of Texas, shall be entitled to all the privileges of citizenship. Amended August 27, 1994: 1. That the Rights, Privileges, and Immunities of the Common and Natural Laws shall not be denied to any Natural Persons or Citizens on account of race, creed, sex, or natural or national origin.

We have studied that document carefully, and if there is some other reference to citizenship, we have been unable to locate it. Also, consider that the provisional government has very limited authority, and may not exceed that which is provided by the 1836 constitution, as amended. Even the transitional plan must conform to the constitution.

It appears that those who wrote the 1836 constitution accepted the fact that all those who already lived in Texas were automatically citizens... the document only addresses the issue of emigration.

Since I was born in Texas and have lived here continuously more than six months, that makes me a citizen.

During an interview with a Midland television station, while the camera was being packed away, the newsman asked me the standard question: "How many citizens are there in the Republic?"

I paused for a moment, then said, "I'm not real sure, I haven't counted them lately, but the most recent U.S. census bureau report shows

(Continued on Page 23)

Writing a constitution

(Continued from Page 21)

amendment. The 10th amendment is still in force, the problem is that the states have chosen to give it up so they can have the toxic money.

If WE THE PEOPLE were willing to reject welfare and government handouts and be willing to put ourselves out (as you fine people of Texas are doing) to fight the establishment then we could still save ourselves.

The Constitution is still alive and well. It is simply waiting there. Waiting for us to throw off the shackles of bondage and call on her to come out and roar like a lion. To do that we have to be willing to throw off the shackles of bondage. Like Israel under the bondage of slavery we have to decide if we are willing to be responsible for ourselves and reject the "golden calf" of toxic federal handouts or if we want the peace of slavery.

The time is NOW. Don't let anyone make you believe we have time to think. NOW is the time to come to the aid of your country!

David M Sampson, Escondido, California



A foreigner visits the Republic

by Richard O. Hammer

What a great visit. In early June I got to meet the publishers of this magazine, Charlie Duncan

and Wes Burnett.

I live in North Carolina, where I run a little

think tank, the Free Nation Foundation. FNF

drafts constitutions and systems of law, trying to

describe how human society can order itself, even

when government is kept strictly limited. A few

Are you a citizen?

(Continued from Page 22)

approximately 18 million people living in the Republic of Texas."

"Yes, but," he countered, "how many of them

know they are citizens of the Republic?"

"I have no idea," I replied, "and that is what

this magazine is all about."

Those Texans who wish not be citizens will have

the opportunity to declare their citizenship to

some other country. In so doing, they will of

course, be unable to partake of the great liberties

and freedoms guaranteed to Republic citizens...

such as participating in the writing of a

constitution, voting on that constitution and then

benefiting from the guarantees of that new

constitution.

Personally, I think the potential benefits of

Republic citizenship far outweigh any fear of

retribution or other unknown hazards. There is

a real chance that we could enjoy true freedom

and liberty in our lifetime... live day to day

without interference from government. Be held

accountable for our personal actions, through the

common sense of common law and judgment by

our neighbors when another person's rights are

violated.

We all know what the alternative is... continuing

to live as slaves, taxed to the point of peasantry,

suffocating with local and state regulations, living

in fear of government and what its agents might

do next... I prefer being a citizen of the Republic

of Texas.

Editor's Note: This article was written before the June 13 Declaration of Independence (Pages 43-

47).

months ago Charlie responded to one of our ads,

and we have been in touch since.

I scheduled my visit to Texas to coincide with

meetings in Lubbock, on June 7 and 8, at which

leading officers of the Republic of Texas, Richard

McLaren and Archie Lowe, were scheduled to

speak. So, in addition to talking at length with

the publishers, I got to hear speeches by these

officers and got to meet them in person. Toward

the end of my visit Wes Burnett invited me to

write this report, telling you of my visit and

observations.

The movement to reestablish the Republic of

Texas excites me. You have all the problems

which we in FNF struggle to understand. But

your problems are immediate, here and now,

whereas we in FNF, not being blessed with any

real estate and only building toward the day

when we might get some, take a more theoretical

view.

It looks like you have a strong team

Your team impresses me. Archie Lowe is a

President of a man. He did not glow in the

podium, as do polished American politicians, but

in person he played the role. He is a big man,

tall and strong, but quiet, polite, gentle, self

confident, and in control of himself. Based upon

my short meeting, I would rate him a man who

can lead a nation.

Richard McLaren seemed sharp, persistent,

determined — a terrifier of an attorney who I

would hate to have sicked on me. Though I

know nothing about the law of nations which he

exercises, he inspired confidence in me that he

will succeed in using that law to embarrass the

courts of the united states. And I am impressed

by his willingness to go to jail for his cause.

Unjust imprisonment, if well reported, can, I

believe, efficiently expose the nakedness of the

emperor.

On the reporting end, both publishers of this

magazine impressed me as suited to the task

they have undertaken. Wesley Burnett, already

knowing the publishing business as the successful

publisher of a small-town weekly newspaper,

seems level headed, well connected, and well

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Looking at the Republic from outside...

(Continued from Page 23)

respected. Charles Duncan, scouring numerous sources for information and ready to try his hand at drafting a constitution, adds versatility and intellect.

But do you have reason to feel optimistic?

About the prospects for your movement to erect a legitimate and limited government in Texas, I feel guarded. Assuming that you want your proposal to be powered by the support of a majority of Texans, it seems to me that you have a long way to go. Your task, although huge, may be simply this: you have to get the majority of Texans to want your government more than the existing government.

Texans have to learn about your government, and about your competence to run it, so that they can envision life — an improved life — under your regime. This suggests a Texas-sized program of education, an education which must be rich with convincing details. The existing media, both print and electronic, could probably achieve this education in a few years. But at present most workers in the existing media distrust your movement.

On your side, I expect the foundation of trust upon which the existing government stands will continue to erode because that government will continue to grow more corrupt. And, I think, you have an ally in an unlikely place — in the beliefs of the people who run the American government. Since those people, for the most part, believe in freedom of expression, they will hesitate to crush peaceable dissent. They do not grasp that unlimited government inevitably grows corrupt, and that a free press must inevitably expose that corruption. So they will provide fuel for your fire, and stand idle as you fan it.

Do not expect victory in existing courts

The lawsuits being pursued by Ambassador McLaren will win more, I believe, in the court of public opinion than in courts of law. In my study of the origins of law, I have formed the opinion that law generally finds a way to conform with the wishes of the greatest power which has interest in the case. The powers that be in an existing society maintain a system of law in order

to make themselves more secure, not less secure.

Even though McLaren may be exactly right in all his motions, I expect a judge to see that concession to these revolutionary motions would antagonize interests which at present have much more power than the movement for the independence of Texas. Thus I predict the judicial system will discover law, somehow, to placate the greater power.

But, in the long run, I believe the greater power will change sides as public opinion changes sides. In this view, the lawsuits have value as tools to move public opinion, and they should be played as such. Victories in court may follow.

Beware of a state that panders to special interests, even to Texas farmers

After Archie Lowe's speech on June 7, a questioner asked for assurance that the new government of the Republic of Texas would not just grow, and become as corrupt again as the government which it replaces. President Lowe responded that suitable plans were in place. But I have a similar concern, and my concern is based in part upon Lowe's lamentation, in his speech, about the economic plight of farmers.

If a nation commits itself to free markets, I believe it must accept that the jobs of tomorrow will forever be replacing the jobs of today. Tomorrow there will be plenty of jobs — but you may have to learn them. Your job of today will probably go away.

At the time of the American revolution, I understand that 90% or more of workers were farmers. Today that number hovers at around 2%. A lot of farmers found that they could not continue as farmers anymore. And, following natural economic forces, the proportion of farmers may continue to decline. But is that bad?

I think the declining proportion of farmers shows that we have gotten so much better at farming that we can grow all the food we can eat, and more, with only a few of us working at the task.

While this evolution pains the individuals whose

(Continued on Page 25)

'Foreigner' urges caution

(Continued from Page 24)

jobs become obsolete, I argue that it helps future generations. I am glad, for myself, that I do not have to be a farmer. I enjoy the option to choose other work.

So I hope that farmers in Texas, as they influence the shape of the future government, will trust the ability of their offspring to adapt to new circumstances more than they cling to their present profession. I believe it would be a mistake for the government of the Republic of Texas to protect farming, as a profession better somehow than other callings.

Is this an angry white male thing?

With interest I noticed some attributes of the crowd which gathered to hear McLaren and Lowe. This crowd did not, it seemed to me, represent middle America (or middle Texas). It was mostly white men aged 25 - 60. A few women were scattered in, but they were a distinct minority, and most attended because they were attached to one of the men. In a crowd of perhaps 70, I saw only one black, a news reporter it turned out. The men included too many who were either too heavy or too thin.

But, as I reflect, we should expect something like this at the start of any revolution. We cannot expect people who feel that they are flourishing, with things being the way they are, to attend meetings on how to change things. Eventually however I believe your revolution will attract increasing diversity. To help this along, I think you must build the image of the Republic of Texas, so that more people will see it as a positive alternative.

Can unity in purpose be found?

I have another worry. The glue, which holds together the movement for the Republic of Texas, may not be as strong as it now appears. A group may unify in agreement that changes are needed, but fall apart when specific changes are proposed. Most people, I think, feel ready to get rid of most

government programs, but almost everyone clings to particular government programs. Given this fact of life, politicians in a Republic of Texas, tend to swap favors, conceding support to each other's programs. Government grows.

So it remains to be seen if your movement can cohere around a specific set of limited-government proposals which differ, enough to attract support, from the present tumor in Washington.

Caution!

I had better conclude with a caveat. During the four days of my round-trip drive, between North Carolina and the Republic of Texas, I enjoyed listening to a book, all 24 cassette tapes of "Anna Karenina," a Russian novel written by Leo Tolstoy in the 1870s. In one of the characters, Levin, I saw too much of myself.

Levin was a nobleman farmer who failed again and again in his attempts to institute radical reform in the management of peasant labor on his estate. But nonetheless he was writing a book to tell other Russians how agriculture in the nation should be reformed. Dear me.

Here I find myself writing advice, as though I know something, on how to form a nation. Many times I have undertaken a new kind of task, which I swore at the outset I knew how to do. But, when I finally arrived at the patched-together end, I knew that, if ever I tried it again, I would start differently.

My best claim might be that everyone else likewise lacks experience. We are all pushing into new, uncharted territory. While honoring my heart's call for radical reform, I must remember that I blunder. All of us, I believe, need plenty of help. But not from Washington.

Richard O. Hammer, born in 1948, founded the Free Nation Foundation in 1993, and has worked since then as its president. Previously he has worked as an engineer, and has run a successful business in residential remodeling and building. He lives in Hillsborough, North Carolina.

Membership in FNF, which includes subscription to the quarterly "Formulations," may be purchased for \$30/year. Subscription only may be purchased for \$15/year. A sample issue may be purchased for \$4. Make checks payable to the Free Nation Foundation, 111 West Corbin Street, Hillsborough, NC 27278.

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Republic of Texas Magazine

Published monthly for the people of the Republic of Texas

Wesley W. Burnett and Charles W. Duncan

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Texans all across this independent nation now have their very own magazine, dedicated to providing accurate, informative and timely news about the revival of the Republic of Texas with the monthly publication of the Republic of Texas Magazine.

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Radio report spreads slander about Republic

by Wesley W. Juwett

In another example of sloppy journalism or blatant attempts to slander the Republic of Texas, its citizens and officers of the provisional government, a radio news report on June 5 quoted FBI domestic terrorism specialist Byron Sage with saying that "the Freeman and the Republic are 'criminal gangs' which are using politics and religion as a front for 'fraud.'"

In a telephone conversation with Mr Sage, I was not surprised to discover that his comments were taken out of context. According to Mr Sage, he was quoted correctly, but none of his comments were aimed at the Republic of Texas Provisional Government or its officers. "I've only met two officers," Sage told me, "and that was briefly in Austin when they came here to serve some papers."

Sage also offered to talk or meet with Republic officials at anytime.

"I was speaking at a conference on domestic terrorism to mostly emergency preparedness officials," Sage commented. In that talk, the FBI official said that there has been a link established between one of the leaders of the Montana Freeman and people involved in the Republic of Texas. He did not elaborate.

"At no time did I indicate that any official of the Republic of Texas government was involved in any wrong-doing," Sage said. "I told the people at that conference that I feel there is way too much paranoia right now, and we need to communicate openly with people in these movements."

The following is text of the radio newswire release of June 5, 1996:

(San Antonio) — One of the leading F-B-I experts on domestic terrorism says the federal government has to take some of the blame for the

"The State is a condition, a certain relationship between human beings, a mode of human behavior; we destroy it by contracting other relationships, by behaving differently." — Gustav Landauer

Legal Fund for Richard McLaren needs your help now!

It's true, Rick McLaren has been released from confinement by Judge Bunton, but only due to the efforts of his lawyer, John Fahle, who now must take on the added expense of appealing the case to the 5th Circuit Court in New Orleans.

This is an expensive process, and the defense fund needs your help... whatever help you can give. It is estimated that the total cost could be as high as \$10,000. Many of you have already responded with donations, but now we are calling on you, and those who haven't yet contributed, to send what you can, as much as you can.

Mr Fahle's preparation for the appeal is masterful, and everyone realizes the critical significance of this case. The issue of jurisdiction by a federal court, as well as the importance of establishing a foundation for the independence of the Republic is at stake.

Liberty and freedom lovers, set aside a few pleasures this month, and send your donations for this defense fund to:

John Fahle

c/o Box 790214

San Antonio, Texas 78279

Make sure your check or money order is made to John Fahle, indicated that is for the Richard McLaren Legal Fund.

Why Government? (Part 1)

Good Texas Common Sense

A series of articles concerning what the new government of the Republic of Texas should be and do, what the Constitution for the Republic of Texas should be and say, and the philosophical (common sense) reasons behind these statements.

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by Donald Dale, Henson, sui juris

Since we are about to start discussing what the new government of the Republic of Texas should be and do, perhaps we should first examine exactly why we need government at all. After all, we are about to expend a tremendous amount of time, money, and effort on designing this new government so we should at least know that we are doing something useful.

It should be obvious to the most casual observer that governments did not always exist. If you are a religious person, then you should know that Adam and Eve answered only to God and there was no government, other than God's, in the Garden of Eden. If you are a non-religious person, then you should know that governments do not exist in the societal structures of the lower animals and thus could not have been carried forward thru the evolutionary process. From either of these viewpoints, it can only be concluded that governments were invented by man. We can further conclude that since governments are creations of men, that men must be sovereign over it. In other words, men (and women) are by nature sovereign individuals. We will discuss the implications of this sovereignty in a later article in this series.

But why were governments invented? No one knows the answer for sure, of course, but here are my thoughts on the subject.

First, let's examine some basic human nature. From your own personal experience and ignoring what you may have seen on TV or in combat

situations, how many times have you personally been involved in a violent situation where some individual was using or threatening to use violence on other individuals? Most of you can probably answer that question with zero or one. Those of you that have been involved in more than one violent situation probably live in an inner-city neighborhood in or near a 'Drug War' zone. If that is the case, consider that most of the violence you see there could be ended merely by legalizing drugs and even in this situation, most of your contacts with other people are peaceful and cooperative. The point is that the vast majority of your contacts with other human beings, even total strangers, are peaceful ones. This leads us to strongly suspect that most human beings are basically peaceful and cooperative in nature.

So, if we are all peaceful and cooperative, how do violent situations get started? In order to answer that question, we must examine the nature of force.

Force is direct physical violence applied, or threatened to be applied, to an individual or his property. Force, and we can include fraud as a special non-violent type of force, can be one of only three kinds: initial force; defensive force; and retaliatory force.

In order for force to be applied in a specific situation, someone must have initiated it. Force cannot apply itself. If there is no force being applied but someone decides to initiate force, then that force is of the type known as 'initial force'.

Once force has been initiated in a specific situation and if the individual toward whom that force is being directed decides to use force in defense, then that force is of the type known as 'defensive force'.

If force is used in a specific situation and no defensive force is used at the time, but later the individual toward whom that force was directed decides to 'get revenge' by using force, then that force is of the type known as 'retaliatory force'.

Consider that if we are all peaceful and cooperative, then no one would ever initiate force. Since we know that force gets initiated, this must

(Continued on Page 29)

Common sense

(Continued from Page 28)

mean that there are those among us who are not peaceful and cooperative but feel that they must use force in order to get what they want. If we want to live in a peaceful and cooperative society, these individuals must be dealt with. It would seem logical, then, that individuals who want to live in a peaceful and cooperative society would consider the initiation of force (or fraud) to be a crime and these actions are, in fact, considered to be crimes under Common Law.

If, in this peaceful and cooperative society, every initiation of force was immediately met with defensive force sufficient to terminate the violent situation, then the society could continue to be peaceful and cooperative even with some violence-prone individuals as a part of it. Unfortunately, not every situation can be met with appropriate defensive force. How are these situations to be dealt with? With retaliatory force. Retaliatory force can 'get revenge' for the initial use of force and at the same time serve as a warning to other potentially violent individuals that such actions will not be tolerated.

In a society with no government, either the individual that suffered the initial violence or the friends and family of that individual have to use retaliatory force. Unfortunately, due to another basic human trait, they will probably use excessive retaliatory force and thus be guilty of initiating force themselves. This means that the friends and family of the first person will now have to use retaliatory force. This situation can escalate into quite a lot of violence before it terminates itself. The famous, or infamous, McCoy/Hatfield Blood Feud continued for years resulting in several deaths before it finally terminated itself.

The solution to the use of retaliatory force is to have a neutral third party be the only party authorized to use it. In order for this solution to work, the third party must be truly neutral, regardless of who is involved and must be 'fair', i.e., everyone involved must agree that retaliatory force is appropriate and must agree on the amount of retaliatory force to be used. We can call this third party anything we want but, today, we call this third party 'government' and we call the methods used to ensure that only appropriate retaliatory force is used 'due process'.

So now we know why governments are instituted among men (and women). It is to ensure that the use of retaliatory force is appropriate and fair. And it should be noted that everyone involved, with the possible exception of the individual toward whom retaliatory force is directed, must agree on the process. This is called a 'contract' and under Common Law, contracts must be explicit and knowingly entered into by all participants. The constitution that we are working on will become such a contract.

There is a secondary reason for having a government in today's world. The entire planet is ruled by governments. Agents of these governments cannot conceive of a society without a government and have no idea how to relate to a nation of sovereign individuals. In fact, with no government at all, one or more existing governments would probably decide to take over the 'ungoverned' territory to 'protect' the individuals that live there. One of the functions of our new government will then be to relate to other governments in a way they can understand. But what about all the other 'functions of government' such as post offices, common defense, public education, regulation of the airwaves, issuing certificates of competency in the interests of public safety, etc? If we are a peaceful and cooperative people, then there is no reason for government to do any of these things and, in fact, there are many reasons why they should not. In general, private organizations can do all these jobs more efficiently and with greater attention to customer needs than can government. We will be discussing all these items and more in future articles.

Does this make sense? Good Texas Common Sense?

Democracy is based on the assumption that a million men are wiser than one man. How's that again? I missed something.

Excerpted from Time Enough For Love, copyright 1973 by Robert Heinlein

Autocracy is based on the assumption that one man is wiser than a million men. Let's play that over again, too. Who decides?

Excerpted from Time Enough For Love, copyright 1973 by Robert Heinlein

Myth of Annexation: Part 3

by Wesley W. Burnett

I have a confession to make: a joint resolution can have the force of law, if the president signs the measure.

In the first two parts of this series on annexation of Texas to the U.S., I emphasized that the joint resolution did not have the power of law, and I stand corrected. My partner Charlie Duncan ordered back ground information from Congressman Mac Thornberry, which explains the working of joint resolutions.

So, in the case of the 1845 Joint Resolution passed by congress on a simple majority vote and signed by President John Tyler before his successor James Polk took office, the resolution did have the force of law.

However, that does not mitigate the fact that there is no provision in the U.S. Constitution to annex a foreign nation. And at the time, Texas was in fact a foreign nation. Tyler, and Polk after him, had high ambitions for a continental U.S. Their allies in congress did not have the two-thirds majority needed for an annexation treaty, and they could not have mustered the votes to amend the U.S. Constitution, so they conveniently overlooked the arguments of John Quincy Adams, who insisted that congress adhere to the restrictions of congressional power. The specified powers of congress do not include joining with a foreign nation.

On a recent radio talk show a caller reminded me about the annexing of the Louisiana Purchase. Easy to explain: Louisiana was purchased from the French, not annexed, and the geographic area became an official territory of the U.S. The constitution provides authority to add new states from territories or lands owned by the U.S. Texas was, and never has been a territory nor has any of its land ever been owned by the U.S.

If the U.S. had actually purchased Texas, and paid its people for that purchase, we'd be unable to declare our sovereignty through this position. But the simple fact is clear, the U.S. was not

even willing to accept the debts of the struggling new nation, let alone pay for the entire territory.

Later, following the invalid statehood, the U.S. purchased a big chunk of Texas, from the Oklahoma border north to Wyoming and west to Nevada. That territory was later subdivided into new states. All proper indeed.

Others argue that since the U.S. Constitution doesn't mention anything about adding foreign nations as states, well, then, it must be okay. That thinking is one of the main reasons the U.S. government has outgrown its original intent. Thousands, maybe even tens or hundreds of thousands of statutes have been written the past 100 years, with just that sort of justification... and look at the mess that's created.

Then there's the argument that, well, since it's been 150 years and no one has objected, just the mere length of time makes it okay. Sure, and with that reasoning we could say that slavery also was okay, or that women shouldn't be voting or any number of other silly examples of wrong-headed ideas of central government socialist planners.

The question of Texas statehood is irrefutable... congress and the president did not have the constitutional authority to do what was done. No manner of whining or trying to rewrite the simple wording in of the Constitution could change that.

Article 4, Section 3:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, or parts of States, without the consent of the legislatures of the States concerned as well as the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Is there any word in this, or any other section of the Constitution which authorizes congress to annex a foreign nation?

We rest our case.

The mystery of government is not how Washington works but how to make it stop.



Randall County Railroad Commission vs Common Law

For those of us who claim "Patriot status," it taken away to jail or prison. Such is the case of Larry Ranoe, Preddy, a patriot, and citizen of the Texas Republic.

When Janet, a fellow patriot, walked into Larry's office in the winter of 1995 and asked for his assistance, he had no idea the persecution reserved for him. Janet is one of the thousands of patriots who chose to make a stand against tyranny by using the "promissory notes" to pay off debts. Even though Janet had no legal experience, she put her full faith in a man named J.C. Vankirk, an alleged profiteer who claimed he could "part waters" with "certified money orders," "public office money certificates," and promissory notes" was one of the founders of the Oklahoma Common Law Court. Larry plead

Larry had asked the commander of the 7th Texas Light Infantry, Brian Shane, Bytheway, if he would act as a witness when Larry tried to gain access to Janet as her council of choice. After a long debate on Janet's right to council, Larry was literally thrown out of the court house. "I have never seen such a display of hostility," said Bytheway. "Larry simply asserted himself and the sheriff and two deputies physically threw Larry out of the court house and down the steps."

Larry saw no other avenue than the seventh amendment to the Constitution, and headed for the Oklahoma Common Law Court. Larry plead Janet's case to the Common Law Court and returned to Randall county with a Writ of Habeas Corpus and a Writ of Mandamus.

Believing the battle to be won, Larry served the sheriff with the Writ of Habeas Corpus. The sheriff contacted District Attorney James Fartin for his advice. Fartin, without ever viewing the writ, told the sheriff to ignore it.

Thinking a public protest complete with picket signs and press conference on the court house steps would help, Larry set out to make Janet's cause known. "This lady had been in jail for 40 days and 40 nights," Larry told the press, "they do not even have a damaged party to sign a complaint."

A few days later, Larry, awoke at his home hearing his pager going off. "Call the office" was the message. "The Randall county sheriffs office was here with a warrant for your arrest," the caller said.

Continued next month ...

David vs Goliath

This article contributed by the "Roadrunner." The "Roadrunner" is a patriot, intelligence operative and investigator of patriot issues. "Never been caught .. deep, deep" and can be reached through the "Republic of Texas" magazine.

by P. J. O'Rourke

Charles Murray added together Social Security, Supplemental Security Income, Aid to Families with Dependent Children, Unemployment Insurance, Medicaid, Medicare, Food Stamps and the principal low-income housing programs and said that total expenditures have amounted to (in 1980 dollars) over \$100 billion a year from the late sixties until the middle seventies and more than \$200 billion a year since. That's \$3,800,000,000,000—enough to give every poor person in America \$117,000 to start his own war on poverty. And the spending of this truly vast amount of money—an amount equal to the nation's gross national product in 1987—has left everybody just sitting around slack jawed and dumbstruck, staring into the maw of that most extraordinary paradox: You can't get rid of poverty by giving people money.

Patroil Oil pioneers new business trend

by Tom Gipson

Patriot Oil Company is a new business in Midland that is owned and operated by Citizens of the Republic of Texas. Frank Holdampf, the owner, has an unique business philosophy in the current age of mega-corporations. Just like the pioneers that settled the frontier of the fledgling Republic of Texas, Frank is "breaking new ground" in retail gasoline marketing.

Patriot Oil is a throw-back to the 1950s, a family owned and operated service station where the attendants pump your gas for you, clean your windshield, your oil and tires are checked as a part of the service, and all at no extra charge. In fact, the price of gasoline and diesel fuel are the lowest in the area.

Frank's style is moving backwards to the past, using tried and true business methods, and bucking the corporate gasoline retail trend of convenience stores in this age of "self service" which is really no service. Some of these "convenience stores" even charge extra for air, and you must air your own tires. Patriot Oil intends to make the current corporate philosophy obsolete.

Frank has dedicated his business to "God, family, and the Republic of Texas" and believes that "life is supposed to be fun everyday and that the Lord will provide." This is immediately apparent to the customers when they pull up to the pumps. Customers are promptly met by the friendly employees of Patriot Oil who actually enjoy their work. Patriot Oil is a fun place for both customers and employees where the customer is king.

Frank views restoring the Republic of Texas as the last chance to get away from the "District of Columbia government's diabolical plot against the people." "We have the right to do it and it needs to be done," according to Frank. "The D.C. government is leading us down the road of destruction, the people need more Liberty and individual responsibility."

Mark Holdampf enjoys the opportunity to work with his father at Patriot Oil. Mark views Patriot Oil as a "new concept," bucking the corporate trend and providing "self-service/full-service/same low price," and has taken pride in converting an abandoned and apparently worthless service station into a productive business providing

employment opportunities and livelihood for others with the opportunity for advancement.

Mark, a Certified Public Accountant by profession, has naturally assumed the role as the company bookkeeper, but prefers providing service to customers and interacting with people to the regimented corporate structure. Mark agrees with his father that "life should be fun everyday" and that "we do have a lot of fun."

Mark supports the Republic of Texas 100% and wants a government that will operate the way it should, protecting the Rights of the people, not violating them. Mark thinks that the best government is the least government. In his past experiences with the IRS as a CPA, Mark has

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Do nations have capitals?

by Richard O. Hammer

With interest I have noticed that this magazine has declined to capitalize some names, such as the united states. I like it. This makes a point which needs to be made. Excessive pride needs to be brought to heel.

Stylistically, however, this may cause a strain. When you write about a nation with whom you have no quarrel, France for instance, I expect you will capitalize the name, out of customary politeness. So, may God speed the day when the quarrel ends, when you can comfortably capitalize the Other Forty-Nine, along with the Republic of Texas.

Editor's Note: Somehow we have been misunderstood, we have no quarrel with the U.S. As citizens of an indendent nation bordering another independent nation, we seek friendly relations. We use the form of capitalization that was found in early documents, where the reference to united States was common. In other words, the States (which formed the union) were more significant than the united that they formed together, each being a separate republic joined together in a common cause, but not subservient to a larger unit.



become convinced that "people shuffling paper for the IRS is not productive, a waste of time, money and a violation of privacy." Mark views an export-import tax as the best, least intrusive method of taxation. Mark philosophy is "Texas for Texans."

George Martin, the night shift manager, "loves working at Patriot Oil, it's a great place to work." George says that "Frank is as good a boss as I've ever had, and I've worked for a lot of people." George is an auto mechanic with fifteen years experience, seven of which as a line mechanic for a Buick dealership and he is ready to provide any service that your car may need. George likes working with the public, "it's all that I have ever done." George is also fluent in Spanish.

George supports the Republic of Texas because he likes the idea of lower taxes and more Rights. "The State abuses its power. The State makes a demand and we have to do it or go to jail. The State doesn't treat us right," as George bluntly puts it.

Ken Nelson, the day shift manager, likes the idea of working with "like minded people." Ken takes pride in keeping the business operating in a smooth professional manner. Ken's other responsibilities include managing the inventory, store appearance, public relations, assisting in the bookkeeping, and views the plans for the expansion of Patriot Oil as an opportunity for promotion.

Ken also supports the Republic of Texas wholeheartedly. He looks reestablishment of power in the people, lower taxes, and property control over our daily lives, and properly ownership by allodial title. Ken says that "I don't know of anything about the current government of the United States or State of Texas that I can be proud of." Ken looks forward to being able to exercise Rights without fear oftribution from government.

Tono Rameriz likes the people he works with. "Frank is a good boss and easy to get along with," says Tono. Tono enjoys working with people and is ready to repair your ties or change your oil. Tono is fluent in Spanish and remarkably, also supports the Republic of Texas because he believes there will be lower taxes and more freedom.

Daniel Granado likes the way the business is run and the people he works with. Daniel says, "I don't think that you'll find another place like

Elmer says, "The Republic of Texas makes better sense than the State or Federal government. I don't like the way the police mistreat people; it is the job of the police to help people, not to mistreat them."

Elmer has recently moved to Texas from out of state, but intends to stay in Texas. He intends to become a Citizen of the Republic of Texas after he has fulfilled the six month residency requirement.

This Republic of Texas business is really picking up steam! The train is at the station, the fireman is busy shoveling coal into the boiler, steam pressure is coming up fast!

The engineer has one hand on the whistle and the other on the throttle. The conductor is shouting, "all aboard!"

The people on the platform must make a decision; they can get on the train and go for the ride; they can do nothing, stay on the platform to be left behind wondering what happened; some may even get in front of the locomotive in a futile attempt to stop it, only to be run over by the momentum. It's time to board the train.

Editor's note: Patriot Oil Co is one of our retail outlets selling copies of the magazine. Frank has bought and sold 200 copies each of our first two editions.

"If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right, it might, in a moral point of view, justify revolution — certainly would if such a right were a vital one." — Abraham Lincoln

Do treaties take precedent over individual rights?

by Larry Becraft

Beyond the scope of this letter is the explanation that social security is treaty based. When you analyze the constitutional cases dealing with social security, a solid argument can be made that the second act was really only applicable within the jurisdiction of the United States. Then when we joined the United Nations, Article 22 provided another constitutional basis for such a program and social security expanded beyond such jurisdiction. Let me illustrate how treaties can provide a constitutional foundation for social security.

By statute, all federal agencies must confine their activities to the jurisdiction delegated to them; see 5 U.S.C., §558. While this is a simple statutory command, there is an evident problem in that most federal agencies fail to publish any statements, either in the C.F.R. or some other source, which define their jurisdiction. The C.I.A. is one agency where it is easy to determine its jurisdiction because a statute has deprived it of any domestic jurisdiction; see *Weissman v. C.I.A.*, 565 F.2d 692, (D.C. Cir. 1977).^{*} However, to determine the jurisdiction of other agencies requires some study.

^{*}*See Jabara v. Kelley*, 476 F.Supp. 561, 582 n. 17 (E.D. Mich. 1979): "[T]he Court is of the opinion that the FBI's investigative authority extends to authorized national security investigations involving foreign influences."

Perhaps the best way to determine the jurisdiction of any given federal agency is to examine various cases regarding the subject matter of that agency. For example, the United States Constitution does not provide that Congress has any authority concerning the fish and wildlife within this country and that has been noted in several cases. In *McCready v. Virginia*, 94 U.S. 391, 394, 395 (1877), the Supreme Court held regarding the fish within the oceans:

"[T]he States own the tidewaters themselves and the fish in them, so far as they are capable of ownership while running."

"The title thus held is subject to the paramount right of navigation, the regulation of which, in respect to foreign and interstate commerce, has been granted to the United States. There has been, however, no such grant of power over the fisheries. These remain under the exclusive control of the State..."

Like fish, the Constitution simply grants no authority to the federal government to control the wildlife within the states of this nation and this is noted in several cases. A ready example of such a case is *United States v. Shauver*, 214 F. 154, 160 (E.D. Ark. 1914), which concerned the issue of where the Migratory Bird Act of March, 1913, could apply. Through this act, Congress sought to extend protection to migratory birds by limiting the hunting season and otherwise placing restrictions upon hunting of these birds. As is only natural, upon adoption of this act federal officials started strenuously enforcing it and here they had arrested Shauver in Arkansas for shooting and killing migratory birds. Shauver moved to dismiss the indictment filed against him on the grounds that the act contravened the Tenth Amendment by invading the jurisdiction of the states upon a matter historically reserved for legislation by the states. In deciding that this act was unconstitutional, Judge Trieber noted that the common law provided that the states essentially owned the birds within their borders and state legislation was the sole source by which control of hunting could be accomplished. In so concluding, he held:

"It is the people who alone can amend the Constitution to grant Congress the power to enact such legislation as they deem necessary. All the courts are authorized to do when the constitutionality of a legislative act is questioned is to determine whether Congress, under the Constitution as it is, possesses the power to enact the legislation in controversy; their power does not extend to the matter of expediency, If Congress has not the power, the duty of the court is to declare the act void. The court is

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unable to find any provision in the Constitution authorizing Congress, either expressly or by shooting of migratory wild game in a state, and is therefore forced to the conclusion that the act is unconstitutional."

Notwithstanding Judge Trieber's decision, enforcement of the act did not stop and it was thereafter enforced within Kansas, where another man was arrested for killing migratory birds. In United States v. McCullagh, 221 F.288, 293 (D.Kan. 1915), the issue of the constitutionality of the Migratory Bird Act of 1913 was again before a different court and it, relying upon its own research of the law as well as the decision in Shaver, likewise concluded that this act was unconstitutional:

"[T]he exclusive title and power to control the taking and ultimate disposition of the wide game of this country resides in the state, to be parted with and exercised by the state for the common good of all the people of the state, as in its wisdom may seem best."

The above decisions have never been overruled and they stand today as valid authority for the proposition that Congress under the U.S. Constitution does not have any direct grant of power to regulate and control fish and wildlife within our country. If this is the case, you might ask what is constitutional basis upon which the U.S. Fish & Wildlife Service has been created and currently operates? **The answer is treaties.**

As noted above in *McCready*, the Supreme Court held that Congress has no authority over fish within the states. The U.S. Fisheries Commission was created as the result of the ratification of a treaty or convention concerning this subject matter; see *Manchester v. Massachusetts*, 139 U.S. 240, 265, 11 S.Ct. 559, 565 (1891). Our country has ratified fishing treaties with other countries for a long time; see these two old one, the treaty with Great Britain regarding fisheries, adopted in 1818 (Revised Stat. 297), and the treaty with Russia regarding navigation and fishing in the Pacific Ocean, adopted in 1824 (Revised Stat. 664). Of course, we have many newer ones.

A similar route was taken to acquire Congressional control over migratory birds and

wildlife. In 1916, the United States and Great Britain, on behalf of Canada, adopted the Migratory Bird Treaty (39 Stat. 1702) and thereafter Congress in 1918 passed another Migratory Bird Act to implement the provisions of the treaty. As this occurred, federal law enforcement officials again started to enforce the new act.

Within Arkansas in 1919, a man named Thompson was arrested for shooting these protected migratory birds and this case was assigned to the very same judge who had rendered the decision in Shaver; see *United States v. Thompson*, 258 F.257 (E.D. Ark. 1919). Here, Thompson raised the identical argument as Shaver which had previously proved successful in front of Judge Trieber. But, the federal prosecutor responded to this argument by noting the authority of this new treaty and this single change within the law dictated an entirely different result. In upholding the act and thus its application within the jurisdiction of Arkansas, Judge Trieber carefully analyzed the prior decisions rendered by the Supreme Court which illustrated the operation of treaties and how the same could abrogate state laws:

"Law can only prescribe the conduct for the people within the jurisdiction of the lawmaker, while treaties are to affect rights and privileges of subjects of foreign countries and of our citizens in such countries. Treaties are reciprocal, and in all instances the same rights and privileges are granted to the citizens and subjects of each of the contracting parties in the respective countries," *Id.*, at 258.

"To subject the treaty power to all the limitations of Congress in enacting the laws for the regulations of internal affairs would in effect prevent the exercise of many of the most important governmental functions of this nation, in its intercourse and relations with foreign countries. The states of the Union may enact all laws necessary for their local affairs, not prohibited by the national or their own Constitution, but they are expressly prohibited from entering into treaties, alliances, or confederations with other nations. If, therefore, the national government is also prohibited from exercising the treaty power, affecting matters which for internal purposes belong exclusively

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to the states, how can a citizen be protected in matters of that nature when they arise in foreign countries." Id., at 263.

"Even in matters of a purely local nature, Congress, if the Constitution grants it plenary powers over the subject, may exercise what is akin to the police power, a power ordinarily reserved to the states," Id., at 264.

Judge Trieber concluded that this treaty thus provided Congress with a power of municipal legislation and that treaty and its implementing act plainly operated within the state of Arkansas. A different case originating within Missouri, *United States v. Samples*, 258 F. 479 (W.D. Mo. 1919), ultimately made it to the U.S. Supreme Court where an identical conclusion was reached; see *Missouri v. Holland*, 252 U.S. 416, 434, 40 S.Ct. 382, 384 (1920), which stated, "No doubt the great body of private relations usually fall within the control of the State, but a treaty may override its power." See also *United States v. Selkirk*, 258 F. 775 (S.D. Tex. 1919); *United States v. Rockefeller*, 260 F. 346 (D. Mon. 1919); and the *United States v. Lumpkin*, 276 F. 580 (N.D. Cal. 1921).

Thus for the U.S. Fish & Wildlife Service, its constitutional authority arises from treaties. After the adoption of several fishing treaties or conventions, Congress created the U.S. Fisheries Commission. Then when the migratory bird treaties were ratified, this agency apparently acquired authority over migratory birds. Later, The Convention on International Trade in Endangered Species of Wild Fauna & Flora was adopted by the U.S. Senate on August 3, 1973; see 27 U.S.T. 1087. As a result of this treaty, on December 28, 1973, Congress enacted the "Endangered Species Act," 87 Stat. 884. Several cases have noted that the authority to regulate and control endangered species arises from this treaty; see *Palila v. Hawaii Dept. of Land & Natural Resources*, 471 F.Supp 985 (D. Haw. 1979); *Utah v. Marsh*, 740 F.2d 799 (10th Cir. 1984); and *Leslie Salt Co. v. United States*, 896 F.2d 354 (9th Cir. 1990). The wetlands convention was ratified in 1986 and on November 10, 1986, Congress adopted the "Emergency Wetlands Resources Act of 1986," 100 Stat. 3582. It is clear that the U.S. Fish & Wildlife Service's authority arises from these treaties and this agency thus has an "international" jurisdiction.

There are other examples of treaties being used to provide federal jurisdiction. Of course, Congress completely lacks delegated authority to control prostitution with the states. However, the Agreement for Repression of Trade in White Women was ratified by the Senate on March 1, 1905; see 35 Stat. 1979. The implementing legislation for this treaty was the White Slave Traffic Act, 36 Stat. 825. The Supreme Court has noted that this treaty provides jurisdiction to enact laws on this subject; see *United States v. Portale*, 235 U.S. 27, 35 S.Ct. 1 (1914). But, even with jurisdiction being founded upon this treaty, there are limits to persecutions for violations thereof and everything relating to prostitution cannot be controlled; see *Keller v. United States*, 213 U.S. 138, 29 S.Ct. 470 (1909). Like prostitution, congressional control over obscene publications arises from treaties; see Agreement on Obscene Publications, ratified on January 13, 1911 (37 Stat. 1511), and the implementing laws at 35 Stat. 1129 (March 4, 1909), and 36 Stat. 1339 (March 4, 1911), which are currently codified at 18 U.S.C. §1461. Treaty based federal criminal laws have their origin in the congressional authority to punish crimes against the laws of nations; see Art. § 8 of the U.S. Constitution.*

**There are only a few crimes mentioned in the U.S. Constitution which Congress can make penal; treason, via Art. 1 §6, cl. 1; counterfeiting, via Art. §8, cl. 6; and piracy, felonies on the high seas and offenses against the laws of nations, via Art. 1, §8, cl. 10. The federal police power is therefore, for the most part, based on treaties.*

The U.S. Constitution does not grant power to Congress to control air traffic or telecommunications. After the Wright brothers starting flying at Kitty Hawk, air traffic achieved a phenomenal growth, resulting in the adoption of several treaties on this subject. The Commercial Aviation Convention was adopted by the U.S. Senate on February 20, 1928; see 47 Stat. 1901. Later, the International Civil Aviation Treaty was adopted on December 7, 1944; see 61 Stat. 1180. Both of these treaties substantially covered all aspects of aviation, setting up precisely what we see today in American airports, many of which are controlled by the federal government. To implement the first treaty, Congress enacted The Civil Aeronautics Act of 1938, 52 Stat. 973, which created the F.A.A.

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When the federal government started funding Hartsfield Airport in Atlanta, its name was changed to Hartsfield International. Yet we do have some airports which have never been controlled by the federal government such as Houston's Hobby Airport which is governed by the city of Houston; for this reason, its name has not been changed to Hobby International. For telecommunications, the International Radio Convention, 45 Stat. 2760, was adopted by the U.S. Senate on March 21, 1928, a second International Radio Convention, 49 Stat. 2392, followed thereafter on December 9, 1932. On June 19, 1934, Congress adopted the Communications Act of 1934, 48 Stat. 1064, which created the Federal Communications Commission. Thus, both the F.A.A. and F.C.C. are treaty based, federal agencies which implement treaties our nation has ratified with other countries and therefore they have an international jurisdiction.

The U.S. Constitution does not grant authority to Congress to control trademarks within the states and the Supreme Court has so held. In *United States v. Steffens* (The Trade-Mark Cases), 100 U.S. 82 (1879), the Court dismissed some indictments which charged crimes of infringement of certain registered trademarks. As a result of this decision, a variety of treaties covering this subject were adopted thereafter, and some of the more noteworthy were adopted early in this century; see *Pan American Trademark Convention*, 44 Stat. 2494, ratified on January 12, 1927, and *Pan American Convention for Uniformity of Nomenclature for Classification of Merchandise*, 44 Stat. 2559, ratified on January 12, 1927. It is these treaties which provide jurisdiction for the federal government over this subject matter. If Congress does not have any control over the similar and constitutionally indistinguishable activity of labeling or products except through treaties; yet labeling is an activity of great interest for the F.D.A.

Control over the possession and sale of any item within the states is not a power possessed by Congress. This was so held in *United States v. DeWitt*, 76 U.S. (9 Wall.) 41, 45 (1870), which tested the constitutionality of a federal revenue act making it illegal to sell illuminating oil to a certain flammability. Here, the Court held that Congress did not have such power:

"As a police regulation, relating exclusively to the internal trade of the States, it can only have effect where the legislative authority of Congress excludes, territorially, all state legislation, as, for example, in the District of Columbia. Within state limits, it can have no constitutional operation."

Based upon the decision in *DeWitt*, the Supreme Court held in *United States v. Jin Fuey Moy*, 241 U.S. 394, 36 S.Ct. 658 (1916), that Congress did not have the power to make penal mere possession of drugs within the states.

In 1912, the Senate adopted the International Opium Convention; see 38 Stat. 1912. Some years later, this convention was supplemented by a similar convention of 1931, the Multilateral Narcotics Drug Convention, ratified on March 31, 1932, 48 Stat. 1543, which was thereafter implemented by appropriate federal legislation designed to control the production of poppy within this country. In *Stutz v. Bureau of Narcotics*, 56 F.Supp. 810, 813 (N.D. Cal. 1944), some poppy growers sought an injunction to the enforcement against them of the provisions of the act implementing the convention, their argument being that the act invaded the reserved powers of the states in contravention of the Tenth Amendment. In rejecting such argument and holding that the act applied within the jurisdiction of California, the court declared:

"The competency of the United States to enter into treaty stipulations with foreign powers designed to establish, through appropriate legislation, an internationally effective system of control over the production and distribution of habit forming drugs is not questioned. The obligations of the United States incurred as a party to the two Conventions heretofore mentioned were lawfully undertaken in the proper exercise of its treaty making power. And Congress is constitutionally empowered to enact whatever legislation is necessary and proper for carrying into execution the treaty making power of the United States."

Other cases have also noted that control over drugs by the federal government arises from these treaties; see *United States v. Rodriguez-Camacho*, 468 F.2d 1220 (9th Cir. 1972); and *NORML v. Ingersoll*, 497 F.2d 654 (D.C. Cir. 1974), later opinion at 559 F.2d 735 (D.C. Cir.

An argument for secession

Introduction by Charlie Duncan

The Republic of Texas is not alone in wanting their freedom and independence. Quebec is attempting, and will probably succeed on their next attempt, to become a separate nation from Canada.

Hawaii has evidence to show that they were illegally taken from the legal sovereign kingdom they were and made first into a territory of the USA and later, to appease the United Nations, a state. Among other things, like the Republic of Texas, Hawaii also cannot be a legal state due to the U.S. Constitution's failure to allow annexation of foreign sovereign nations.

Alaska also has their reasons both for wanting independence as well as why they think the USA has little or no legitimate claim upon them. The folks there who are working toward this goal have a newsletter which is also on the Internet, called the Raven's Call. They have given the Republic of Texas Magazine permission to use any of their materials. What follows is an article written for the Raven's Call on the subject of Separatism and secession.

There are those who get the actual history of Texas having never been legally annexed into the USA confused with the idea that in order to become independent, Texas must secede from the Union today. And while this is a mistaken idea in regards to ourselves, the issue will continue to come up and so we need to be familiar with some of the arguments in favor of such movement in whatever country it might occur.

America's response to Quebec separatism

by Thomas H. Naylor

Professor Emeritus of Economics at Duke University

Virtually every major American newspaper expressed editorial outrage against the Quebec separatist movement. Our President, our Congress, and the American people all weighed in against the breakup of Canada. Few words

invoke stronger negative feelings among Americans than does "secession."

But in Eastern Europe, in the former Soviet Union, and in Quebec, secession is associated with freedom, democracy, and independence, as was the case when the United States was founded in 1776.

Our government encouraged the secession of six Eastern European countries from the Soviet bloc in 1989 and the breakup of the Soviet Union two years later. When Yugoslavia first began unraveling, America blinked. The split between the Czechs and the Slovaks was a non-event. But when Quebec tried to secede from Canada, that was an entirely different matter! Why do we have such a visceral reaction to Quebec separatism?

Any group of free individuals has a fundamental right to band together to form a voluntary association to promote the common good, whether it be a nation, a state, a town, or a district. Just as a group has a right to form, so too does it have a right to disband, to subdivide itself, or to secede from a larger unit.

When AT&T, the fifth largest industrial company in the United States with sales of \$75 billion, split into three separate companies, no one seemed to care. AT&T chairman Robert E. Allen said, "The complexity of trying to manage these different businesses began to overwhelm the advantages of integration. AT&T has to separate into smaller and more focused businesses."

Long before the AT&T breakup, hundreds of large American companies were splitting off divisions and reducing the size of their work forces. IBM and General Electric had already shed nearly 200,000 jobs. A few months earlier ITT split into insurance, industrial products, and hotels. Sears spun off Allstate insurance and its stock brokerage business, Dean Witter. General Motors unloaded EDS, its huge computer system business.

Notwithstanding the recent spate of mega-mergers, the breakup of AT&T suggests there is an increasing realization that bigger may no longer be associated with better. If output

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continues to grow for a firm, there is some point beyond which additional increments in production result in reduced efficiency, higher costs, and lower profits. The firm may become virtually unmanageable. As the size of the firm increases, problems of alienation, motivation, coordination, communication, and control become more acute.

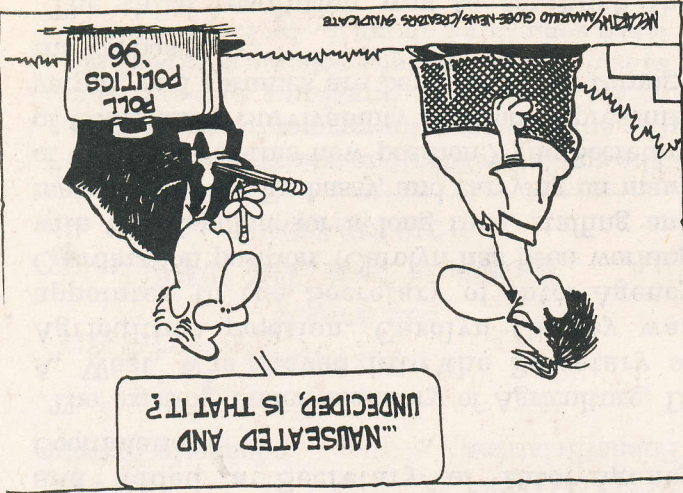
When the Soviet Union collapsed, it was due in part to the failure of socialism to meet the needs of the Soviet people. But it was also due to the fact that the Soviet Union (not unlike many large American companies) had become fundamentally unmanageable. There was no way 285 million people could be managed from Moscow. The Soviet Union was too big and contained too many heterogeneous republics, minorities, religions, and nationalities to be effectively managed by the Kremlin.

Of the ten richest countries in the world, seven are tiny European states. Switzerland, Luxembourg, Denmark, Norway, and Sweden have higher per capita incomes than the U.S. All seven have lower incidences of poverty, homelessness, drug abuse, violence, and crime than the U.S. They also have less pollution, less traffic congestion, and less urban sprawl than we have. Five of them are smaller than Quebec.

Like China, Japan, India, Brazil, and the former Soviet Union, the United States has also become unmanageable. Just as Mikhail S. Gorbachev found it impossible to manage the Soviet Union from Moscow, so too have the White House and Congress found it equally futile to try to impose top-down Washington-based solutions on such problems as poverty, homelessness, racism, drug abuse, violent crime, child abuse, and a badly failing education system. The problems of the poor, the underprivileged, and the disfranchised are not susceptible to solutions imposed from above. Solutions require the bottom-up participation of those affected, as well as a sense of community that connects those who have been victimized with those in a position to influence the results.

Pushed to its limits, Newt Gingrich's "Contract with America" leads not to devolution but to secession. If a state truly wants to be independent of Washington, then it should be free to leave the Union — a fact overlooked by most politicians.

NAUSEATED AND
UNDECIDED, IS THAT IT?



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Independence

XVIII Issue II Official Newsletter of Alaskans For U.S.A. The Raven's Call February 1996 Volume Vermont, and is writing a book: *Doubling the Economics at Duke University, lives in Charlotte, Thomas H. Naylor, Professor Emeritus of*

America? Only time will tell.

Is it possible that what's good for AT&T, Eastern Europe, and Quebec may also be good for away.

Even though Canadian federalists recently defeated French secessionists by the narrowest of margins, Quebec separatism will not soon go away.

Isn't the real reason why Quebec separatism makes us so uncomfortable is that it's too close to home? We encourage secession in far away places like Poland, Lithuania, and South Africa. But Quebec reminds us of our own vulnerability — our size and our inflexibility. Just as Ottawa seems powerless to sort out Quebec's demands for independence, Washington is impotent to deal with the combined problems of big government, big military, big business, big labor, and big cities. Painful though it may be to admit, the U.S. with 260 million people is too big, too authoritarian, and too undemocratic. Our states, like many Canadian provinces assume too little responsibility for the solution of their own problems.

Archie Lowe accepts presidential duties

Former provisional government secretary of defense Archie Lowe accepted the appointment by the general council as president at the June 1, 1996 General Council meeting in Lufkin. Lowe's acceptance followed the resignation of former vice president Douglas Saint.

Darrell Dean Franks, the Treasurer for the Republic of Texas, moderated the meeting.

Secretary of Defense Lowe confirmed the appointment of an office of Defense Intelligence, and confirmed several Citizens to the Republic of Texas Defense Forces Corps of Engineers. Three of these Citizens were present, and were administered an oath of allegiance to the Republic of Texas Constitution.

The meeting turned next to new Council business. The Council adopted three resolutions by unanimous vote. The first resolution was to amend the Plans and Powers document for clarity. The amendment added the word "form" to Article 2, to clarify that the 1835 Plans and Powers and the 1836 and 1845 Constitutions were to be the foundation and form of the present Provisional Government.

The second resolution brought the Secretary of Agriculture and the Secretary of Community Survivability into being on the General Council, and added a Secretary of Inter-Agency Coordination.

The existing under-Secretary of Agriculture, D. A. West, was moved into the Secretary of Agriculture position. Carolyn Carney was appointed to the Secretary of Inter-Agency Coordination position. (Carolyn has been working with the Republic for a long time, staffing and maintaining the Embassy, and carrying on many of the duties of this new position.) The Secretary of Community Survivability position is presently vacant, and resumes are being accepted through the Embassy.

The third resolution was to establish the ascension of the officers of the Republic of Texas (often referred to as the "chain of command"). The

order of ascension was taken in order of the offices most responsive to the people directly. The ascension went from President to Vice-President to Secretary of Defense to Treasurer, and so on down the line.

The council then heard and accepted the resignation of Douglas Ralph Saint, the Vice-President. Mr. Saint cited strong personal religious convictions and a belief that the Executive branch should be populated by someone originally elected from the Convention last December.

The final order of council business was when Secretary of Defense, Archie Lowe, took the microphone. Having just heard the resignation of the Vice-President, the crowd sat in silent anticipation. Secretary Lowe began "I, Archie Lowe, do hereby resign my position as Secretary of Defense..." A literal gasp went up from the crowd, and several people's faces fell as Mr. Lowe continued "... and, according to the chain of command, do hereby accept the position of President of the Republic of Texas." The room erupted with cheers as everyone rose to their feet in deafening applause. The people continued to proclaim their approval with a standing ovation that lasted several minutes before order was restored.

Lowe was then sworn in as President by David Carney, appearing by proxy for Consul General Bob Taylor. Mr. Carney then introduced the former Secretary of Defense as the new President of the Republic of Texas. Another round of applause and standing ovation came from the crowd.

President Lowe then gave a brief speech and expressed the commitment of the Provisional Government of the Republic of Texas, and reminded the people that this is their government, and that the greatest goal of everyone on the council is freedom for all Texans.

Officers for the Provisional Government of the Republic of Texas

(June 1, 1996)

President	Archie H. Lowe
Vice President	(temporarily vacant) Ruth Klause
Secretary of Council	Darrell Dean, Franks
Treasurer	Coolidge Gerdes
Auditor	(temporarily vacant)
Chief Ambassador and	Richard L. McLaren
Consul General	Robert Kesterson, Jr.
Secretary of State	Counsel General Robert Taylor
Secretary of Judicial Affairs	Ray Wanjura
Secretary of Commerce and Trade	Bill Bailey
Secretary of Agriculture	D. A. West
Secretary of Science	Secretary of Technology
Jeff Katz	Secretary of Plans, Powers,
Constitution, and Convention	Donald J. Varnell
Secretary of Privatization	Ed Brannum
Secretary of Inter-Agency	Coordination
Carolyn Carney	Secretary of Community
Survivability	(temporarily vacant)
Under-Secretary of	Public Relations
Jeanette Kinnan	

P.O. Box 460554

San Antonio

Republic of Texas, TPZ 78246

210-349-8994

The collegiate idealists who fill the ranks of the environmental movement seem willing to do absolutely anything to save the biosphere, except take science courses and learn something about it. - by P. J. O'Rourke

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Several council members then gave brief speeches outlining their positions, and what they are doing and will be doing to accomplish the goal of freedom.

Franks reported on the progress in establishing the Treasury of the Republic of Texas, and mentioned that the Treasury could be "fully funded" by a "most generous benefactor" in the next sixty days. For security reasons, he declined to give specific details, but assured the people that the announcement would be made as soon as the details were worked out. He then stated that due to concerns of inaccurate or fraudulent information in the formation of the organic claim against the U.S. government, that lien has been cancelled. The only lien which the Republic of Texas presently holds is the Eminent Domain lien against the de facto "STATE OF TEXAS". He stated that the other lien could, however, be reinstated at a later time by following the proper lawful process.

Questions were taken from the media before breaking for lunch, since there were several representatives from the news media present. Reporters were in attendance from newspapers in Lufkin and Houston, as well as from area television stations.

The afternoon session saw a couple of additional speeches from Council members concerning the duties of their offices. The meeting then officially adjourned and turned to questions from the floor. The gathering ended abruptly when a sudden power outage occurred, cloaking the room in darkness. The crowd remained calm, and security personnel quickly escorted the Council out of the room. It was soon learned that a sudden thunderstorm and a lightning strike had combined to knock out the power to the hotel. The Council then stood out in the hallway under the skylights and continued to answer questions on a more informal basis.

The Second Amendment states that "the right of the people to keep and bear arms, shall not be infringed," period. There is no mention of magazine size, rate of fire, or to what extent those arms may resemble assault rifles.

by P. J. O'Rourke

Notification to U.N. of declaration of independence and proclamation

June 13, 1996

TO: The General Assembly of the United Nations, by and through its Secretary General Boutros Boutros-Ghali

FROM: The People of the Republic of Texas by the Beneficence of God, as lawful predecessors in interest to the soil of Texas involving the acts of November 13, 1835, March 2, 1836, and March 17, 1836, as amended, operating as a Sovereign Nation State Body Politic as reclaimed in political acts of National Convention on December 12-13, 1995, by and through its delegated agents of authority, operating in transition as the Provisional Government of the Republic of Texas

RE: June 1, 1996, filing, as amended June 5, 1996, with the United Nations; demand that one of its state members comply with the law of nations and with its own recognition of Article 2(4) and 51 of the UN Charter and 1970, G.A. Res. 2625, 25 UN GAOR Supp. No.28 at 121, 65 Am. J. Intl. L. 243, No. 3303 July 21, 1959 24 FR 5773, Proclamations, Dwight D. Eisenhower, No. 4850 June 30, 1981 46 FR 34791, Proclamations, Ronald Reagan, No. 5996, July 6, 1989 54 FR 28993, Proclamation, George Bush.

Dear Secretary General and Member Nation States of the General Assembly:

You are hereby officially notified by this service and by filing of the attached and encompassed Declaration and Proclamation of the Independence and Reclamation of the Republic of Texas, dated June 13, 1996, that the People of the Republic of Texas have exercised their eminent domain rights in accordance with the law of nations in reclamation of the nation of Texas and have now advanced beyond the stage of postliminy into lawful succession.

In accordance with these acts, in quest of world peace, and in the complete absence of violent or armed force by the People of the Republic of Texas, we hereby demand that your member state, the UNITED STATES OF AMERICA, and its political subdivision the State of Texas, operating as an agent de facto on the soil of Texas, immediately cease and desist their attempts to continue to exercise foreign relations

acts and law on and over the land and territories of Texas, and comply with the law of nations and with their previous declaration and proclamation before this body, involving the right to independence of all captive nations of war, and further, comply with their previous international engagements involving this body, its rules, and prior declarations and stated principles regarding the rights of our free People to regain their inalienable rights to self-determination, self-government, and the recovery of our national Texas culture as a People, a state, and a nation.

This body and its member states, both collectively and individually, are hereby given international notice by the People of the Republic of Texas, that pursuant to the law of nations and in accordance with the law common of the Republic of Texas, this nation state has previously and does now by Declaration and Proclamation reserve its rights eminent domain. Further, by this notice and by Declaration and Proclamation and by previous filings with this body, the People of the Republic of Texas now give notice that these acts do not constitute any action or request by the sovereign nation state body politic, the Republic of Texas, for admission as a member state to the United Nations or to the International Court of Justice, nor the waiver of jurisdictional rights of its state in any questions of political and judicial, domestic and non-domestic, nature.

On April 26, 1996, after lawful service on the President and Congress of the United States, the prior treaty between the Republic of Texas and the United States of America was perfected, and the stipulations of that contract, involving a Treaty of Boundary and the international claim to its territory by the Republic of Texas, were re-engaged by the Republic of Texas as a party to that treaty.

There is no United States congressional rule which has been perfected on this issue, and all prior court decisions in this instance are obsolete. The courts of the United States are without judicial standing on the question, which is then

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Declaration and Proclamation of the Independence and Reclamation of the Republic of Texas A Sovereign Nation State Body Politic

To All Nations of the World

June 13, 1996

Whereas on March 2, 1836, the People of Texas declared their rights to self-government and independence from the Republic of Mexico; and

Whereas on March 17, 1836, the People of Texas in convention adopted and implemented the Constitution of the Republic of Texas, thereby establishing their foundation as a nation state under the law of nations and implementing the institution of government to serve the People; and

Whereas on May 14, 1836, the Republic of Texas was granted its independence as a nation from the Republic of Mexico; and

Whereas on October 13, 1838, the President of the United States of America declared in full force and effect an April 25, 1838, Treaty of Boundary between the united States of America and the Republic of Texas; and

Notice of declaration

(Continued from Page 42)

in the full nature of a political question; the United States stands in violation of its own constitution and in violation of the law of nations, and cannot alter the fact or deed ex post facto. Signed and executed by the delegated agents of authority in the name, status, and character of the sovereign nation state body politic, the Republic of Texas, as named in the center of the rotunda of its capitol in the capital city of Austin, and under the seal of the soil of Texas, on this the 13th day of June in the year of our Lord, nineteen hundred and ninety six.

Archie Huel Lowe,

President Republic of Texas

Attest and Verification of the Act under Seal of the Republic of Texas

Robert William Kesterson,

Secretary of State Republic of Texas

Whereas on March 1, 1845, the President of the United States of America signed a Joint Resolution offering to the People of the Republic of Texas, as a sovereign nation state body politic, the right under the law of nations to accept terms for becoming a member state into its union; and

Whereas Congressional records of the United States Congress conclusively show that between 1837 and 1845 the President and Congress of the United States of America had no granted authority by express delegation under the Constitution of the united States of America involving the law of nations to enter into any international agreement or treaty to annex a foreign nation into its union of states called the united States of America and was in violation of Article 5, Article 6, Article 1 Section 8, and the 10th Amendment Article of the United States Constitution; and

Whereas on July 4, 1845, the delegated agents of authority for the People of the Republic of Texas approved the first and second sections of the March 1, 1845, Joint Resolution and proposal of the President of the United States; and

Whereas in December of 1845, pursuant to the March 1, 1845, Joint Resolution, the Congress of the United States approved the Texas Constitution of December 29, 1845, as a condition for entrance into the union of States known as the united States of America, and certified such on December 29, 1845; and

Whereas pursuant to the terms of this de facto act of union by color of annexation at Section 2 of the March 1, 1845, Joint Resolution, Texas was to retain all of its public lands and public debt; and

Whereas on February 2, 1861, and later by an affirmative vote of the People of the Republic of Texas (46,129 to 14,697), the then existing state of We the People of the Republic of Texas, acting under the law of nations as a commonwealth

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holding, did in accordance with and by utter operations of the law of nations exercise its right to regain its lawful status as a nation in accordance with the previously approved Texas Constitution of December 29, 1845, at Article 1 Section 1 and Article 7 Section 20, which the Congress of the United States of America had certified at Statute 9 US 108 as an incorporated part of the March 1, 1845, Joint Resolution to gain the admission of Texas into the Union:

Article 1 Section 1 reads as follows:

"All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times the unalienable right to alter, reform, or abolish their form of government, in such manner as they may think expedient."

Article 7 Section 20 reads as follows:

"The rights of property and of action which have been acquired under the Constitution and laws of the Republic of Texas shall not be divested; nor shall any rights or actions, which have been divested, barred, or declared null and void, by the Constitution and laws of the Republic of Texas, be re-invested, revis[u]ed or reinstated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution."

Whereas in December of 1861 the Republic of Texas entered into an alliance with the Confederate states of America and made war on the balance of the states of the union calling themselves the UNITED STATES OF AMERICA, acting under and by the war powers instituted by the President of the United States, Abraham Lincoln; and

Whereas in 1865 the Confederate states of America surrendered to the UNITED STATES OF AMERICA still acting under war powers, and Texas became a captured nation of war and reconstruction under the law of nations; and

Whereas by threat of force and coercion the UNITED STATES OF AMERICA, still operating under the war powers of the Civil War, did effect the March 30, 1870 act of the Forty-First Congress at Chapter 39 by which the nation of Texas and its people were unlawfully forced back into the union, and its territory would remain

under the control of the UNITED STATES OF AMERICA, in effect, as a captured nation of war; and

Whereas this act of war powers of March 30, 1870, attempted to naturalize the Citizens of Texas illegally into a class of foreign citizenship known as citizens of the United States, emanating out of war powers acts of the United States known as the 14th Amendment to the CONSTITUTION OF THE UNITED STATES OF AMERICA; and

Whereas this act of war powers of March 30, 1870, did not on its face circumvent the common law or the right of the other class of citizenship so specified in the war powers act of March 30, 1870, to their right as the sovereign nation state body politic in reclaiming the soil of Texas under the law of nations by acts of reclamation through the rule of postliminium by the law common; and

Whereas on February 15, 1876, the illegally naturalized class of citizens classified under the war powers act of March 30, 1870, adopted an amendment to the Texas Constitution of December 29, 1845, which was adopted as an amendment to the Constitution of the Republic of Texas of March 17, 1836; and

Whereas this adopted constitution on its face attempted to preclude and outlaw the rights of the true and lawful sovereign nation state body politic known as We the People of the Republic of Texas, by excluding them from all rights and elector status, and continue maintenance of war powers by the elimination of the common law in violation of the War Powers Act of March 30, 1870; and

Whereas this Constitution of Texas of February 15, 1876, as amended, which is allegedly claimed in force and effect by officers of the United States and State of Texas, and actually acts as an amendment to previous constitutions, under the war powers of the Civil War and as amended March 9, 1933, expressly reserves to the People of the Republic of Texas, as the sovereign nation state body politic, their rights eminent domain in action on the soil of Texas as Article 16 Section 18 and Article 1 Section 2 of the February 15, 1876, Texas constitution, pursuant to the law of nations:

Article 16 Section 18 reads as follows:

"The rights of property and of action,

(Continued on Page 45)

territorial integrity and rights of the People of Texas to their life, liberty, and property by acts of tyranny, institutionalized bureaucracy, economic slavery, and terrorism; and

Whereas these intentional acts of destruction of the nationality and culture of the People of the Republic of Texas are consistently imposed in a willful, intentional, and knowing manner in acts of planned genocide to develop and implement a one-world government upon the People by acts of war powers and unlawful treaties, international conventions, and agreements which destroy the right of the People of the nation of Texas to self-determination, independence, freedom of religion, and lawful simple remedy by the common law;

Whereas these continued acts of force and threat of force by agents and agencies of the UNITED STATES OF AMERICA and their agents and agencies of the State of Texas, operating on the soil of Texas, violate the political independence of the victim state, the Republic of Texas, contrary to Article 2(4) of the United Nations Charter; and

Whereas in accordance with generally acceptable principles and customs pursuant to the law of nations as they relate to the law common of the Republic of Texas in respect to the law of nations, the sovereign nation state body politic by and through its delegated agents of authority, known as the Provisional Government of the Republic of Texas did perfect international standings and character of foreign relations law pursuant to the law of nations by acts of non-violent means, reinstating its lawful standing treaty, dated April 25, 1838, on April 26, 1996, with the entity claiming territorial integrity under war powers over the united States of America after the previous bridging instrument of March 1, 1845, was invalidated in accordance with the law of the land and the law of nations; and

Whereas by these acts of reengagement of the Boundary Treaty of April 25, 1838, as implemented by one of the engaging parties to perform a particular act by the Republic of Texas with the executive and legislative branches of the UNITED STATES OF AMERICA, which now stipulates and imports an international contract in that addresses itself to a political question in

which have been acquired under the Constitution and laws of the Republic and State, shall not be divested; nor shall any rights or actions which have been divested, barred or declared null and void by the Constitution of the Republic and State, be re-invested, renewed, or re-instated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution, unless otherwise herein provided; and provided further, that no cause of action heretofore barred shall be revived."

Article 1 Section 2 reads as follows:

"All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient."

Whereas, by acts of political and judicial regress, the People of the Republic of Texas known as Texas Nationals did lawfully reinstitute the law common on April 12, 1994, and dissolve the non-domestic war powers on the soil of Texas on December 12-13, 1995, and did lawfully, both by acts political and judicial, restore the territorial integrity of the rights of the People of the nation of Texas and did create and commence a transitional plan by the institution of a Provisional Government as feasible as possible during postliminy, and did perfect proper and lawful notice and demand in accordance with the law of nations on the agents and agencies of the de facto government State of Texas; and

Whereas said agents and agencies, operating as a political corporate subdivision of the District of Columbia, United States Inc., d.b.a. the UNITED STATES OF AMERICA, under the war powers of the Civil War as further amended on March 9, 1933, are still attempting to maintain unlawful control over the eminent domain assets owned by the sovereign nation state body politic, and have at all times and in all manner and respect contravened the foundational and organic law of the soil of Texas, and continue to violate the

Declaration of Independence

(Continued from Page 45)

Now, therefore, in accordance with the law common of the nation of Texas, as held and exercised by its sovereign nation state body politic, We the People of the Republic of Texas by the Beneficence of God do hereby exercise the rights of reserved domain of the soil of Texas under the law of nations and do hereby exercise by all peaceable means, and without the threat of violent armed force, the dissolution of postliminy on the soil of Texas, and do hereby exercise the right under the law of nations as a state to absorb the de facto State of Texas by the proper succession and reinstallation of the sovereign nation of Texas and its recovery from captive nation of war status.

Further, we declare that since the absorbed State of Texas was in fact knowingly a political subdivision of a foreign power corporate government operating on the territory and soil of Texas and that it has refused in accordance with either its own domestic law or the superior law of the law of nations to accord proper legal succession by transitional plan, the absorbing Republic of Texas state does hereby as its right institute a "clean slate" insofar as all things are concerned, unless directly and explicitly claimed and so amended in accordance with the Transitional Plan of the Republic of Texas, dated January 7, 1996, and the perfected eminent domain lien of February 5, 1996, filed and perfected internationally in the United Nations on June 1, 1996.

Be it resolved and enabled by the delegated agents of authority in and for the People of the Republic of Texas as a sovereign nation state body politic that:

1. All people and citizens living and domiciling on the soil of Texas for at least six months immediately prior to the date of this proclamation are now considered as the People and Citizens of the Republic of Texas, save and except those prisoners being held in Texas prisons who were imported from states of the United States or who are of foreign origin or nationality and foreign nationals domiciling on the soil of Texas as non-citizens of the United States.

2. All previous engagements or contracts involving public or private debt which were

generated or exercised on the soil of Texas involving the Citizens and People of the Republic of Texas in any direct or third-party relationship between the Federal Reserve Bank, United States Treasury, the International Monetary Fund, the UNITED STATES OF AMERICA, or any assigned or direct or third party as a foreign government or international entity or assigned holder of any said public or private debt are hereby canceled; and any lands, tenements, properties, warehouse goods, or other properties are now deemed free and clear, whether on the soil of Texas, in its harbors, on the high seas, or held in a foreign nation. (This section does not revoke contracts or obligations held between private parties which constitute a lawful debt based on lawful exchange and demand.)

Explicit Notice

International notice is hereby given that the nation of Texas, its People and its government, known as the Republic of Texas, will not be responsible for the generated and illusory debt created by the United States or its entity State of Texas by and through the acts of March 9, 1933, as amended; and in accordance with its previous acts in color of March 1, 1845, the United States did not accept the debts of the Republic of Texas.

3. All companies or corporations, whether domestic or non-domestic, doing business on the soil of Texas, are now deemed to be unincorporated and will be governed by the rules of common law, just equity in parity, and private accountability, thus extinguishing the previous doctrine of limited liability.

4. All banks operating on the soil of Texas shall be given the right to convert to a lawful bank of specie operation and/or of the nature of commodity or barter.

5. The assets and natural resources of the Republic of Texas may be monetized for value and treasury notes may be issued for a medium of exchange.

6. All United States federal agents and employees who are displaced due to the acts of independence of the nation of Texas shall be given fair and equal opportunities at all

(Continued on Page 47)

(Continued from Page 46)

the implementation of import and export taxes and tariffs and the establishment of Texas as a free trade zone for its People.

Hereby signed and executed by the delegated agents of authority for the People of the Republic of Texas under the Seal of the Republic of Texas, on this the 13th day of June, the year of our Lord nineteen hundred and ninety-six.

Archie Huel Lowe

President Republic of Texas

Attest

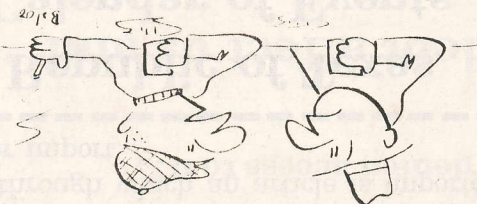
Richard Lance McLaren Chief Ambassador and

Consul General Republic of Texas

I, Robert William Kesterson, do hereby certify that the aforesaid Declaration and Proclamation was executed on behalf of the sovereign nation state body politic, We the People of the Republic of Texas.

Robert William Kesterson

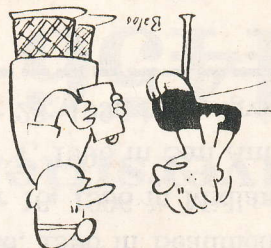
Secretary of State Republic of Texas



"I'll tell you what kind of town this is -- the cops have a 900 number."



"What a night! -- Our computer is down, and I had to do my homework manually."



"There's big money in it for you. If you tell my mom I'm allergic to everything except peanut butter."

transitional positions in the Republic of Texas.

7. All existing military armaments, equipment, and facilities on, over, or under the soil and waters of Texas are hereby deemed the property of the People of the Republic of Texas, and an immediate notification is to be served on all base commanders, advising that these properties will be absorbed into the Texas defense system, and that all excess military hardware not conducive to the status of Texas as a neutral and non-aggressive nation, including any nuclear weapons, will be immediately eliminated or destroyed.

8. The Texas State Bar Association is hereby dissolved, and shall have no charter or incorporation or any legal tie to courts of the Republic of Texas or to any operation in transition for the extradition of cases from the absorbed former Texas state courts. This does not limit the right of the former attorneys' association to reorganize and operate as a common law guild for purposes of legal education and setting standards for their private membership.

9. The absorbed Texas state legislature shall be given the right to quorum, and from their standing membership, except those members who are ineligible for reelection, will elect and fill positions currently vacant on the General Council of the Provisional Government, to serve until the conclusion of the constitutional convention and the election of a new governmental body.

10. In order to warrant a peaceful and orderly transition and to bring immediate relief to the overburdened Citizens and businesses of Texas that are in economic slavery, the following are proper:

A. All U.S. federal taxes of any kind are hereby abolished on the soil of Texas.

B. All property and ad valorem taxes of any kind are hereby eliminated.

C. All use and excise taxes imposed to fund agencies of the absorbed State of Texas shall be continued in full force and effect for 120 days while the determination of the status of each agency is made, pursuant to the Transitional Plan of January 7, 1996.

D. The sales tax of the absorbed State of Texas shall be extended for a period of 120 days until

Do treaties supercede the consitution?

(Continued from Page 37)

1977). The jurisdiction of the D.E.A. is therefore based upon these drug treaties and it thus only has an international jurisdiction.

The above analysis of various decisions relating to the powers of Congress shows that it does not have the inherent authority to regulate or control either drugs or labeling, and that the only way federal jurisdiction could be acquired over these activities within the jurisdiction of the states would be by means of treaties. If the jurisdiction of the F.D.A. was truly treaty based, one would expect that its criminal enforcement powers would be exercised only at the borders of this country. In fact, this is the case for the F.D.A. because the only description of the authority of the F.D.A. district director is found at 21 C.F.R., §1.83, which provides as follows:

"The term 'district director' means the director of the district of the Food and Drug Administration having jurisdiction over the port of entry through which an article is imported or offered for import..."

Republic of Texas Calendar of Events

Notes about the Council Meeting Schedule

"This schedule is subject to change. Please contact Donald J. Varnell at 210-349-8994 for verification and exact location."

Other Upcoming General Council Meetings

- * July 13, 1996 in Abilene
- * August 3, 1996 in Amarillo
- * August 24, 1996 in Tyler
- * September 14, 1996 in San Angelo
- * October 5, 1996 in Waco
- * October 26, 1996 in Beaumont
- * November 16, 1996 in Midland-Odessa
- * December 7, 1996 in San Antonio / Austin
- * December 28, 1996 in Longview

This C.F.R. statement constitutes an admission; see *United States v. Van Griffin*, 874 F.2d 634, 638 (9th Cir. 1989) government manuals admissible as party admissions under Fed.R.Evid. 801 (d)(2)(D)). As you might expect, the authority of the F.D.A. arises from a 1906 international agreement, the Agreement for Unification of Pharmacopeial Formulas for Potent Drugs.

Thus, it is very clear that federal agencies such as the U.S. Fish & Wildlife Service, the FAA, the FCC, the DEA and the FDA have jurisdiction premised upon treaties and they therefore have an "international jurisdiction." Some of the above cases state that treaties do provide jurisdiction for the specified agency. Most of these agencies exercise the federal police power and enforce federal criminal laws; as mentioned previously, these crimes must fit within one of the constitutional categories of crimes which Congress may make penal, and that category could only be "offenses against the laws of nations." The way a federal crime is made under the laws of nations is via treaties.

Returning to the subject of social security, an excellent argument may be made that it is in fact treaty based; if this be true, then any attack on the number must take this field of law into consideration. I have no doubt that we can prove the treaty basis for social security and then demonstrate an exception to international law which will free us from not only the number, but many other fields of federal law. The problem is that nobody wants to do any of this.

The problem you have regarding your various customers wanting your number could be resolved but it will take litigation. Without that, I suggest that you take a look at 26 U.S.C., §3406, and see that it is in the chapter dealing with employees. An argument can be made that backup withholding applies only to employees and since you are not an employee, you can't be subjected to it. But again, this has never been the subject of a suit.

In conclusion, I wish to inform you that while people are interested in important fields of federal law, that law is incredibly complex and many refined points of that law have never been legally tested.

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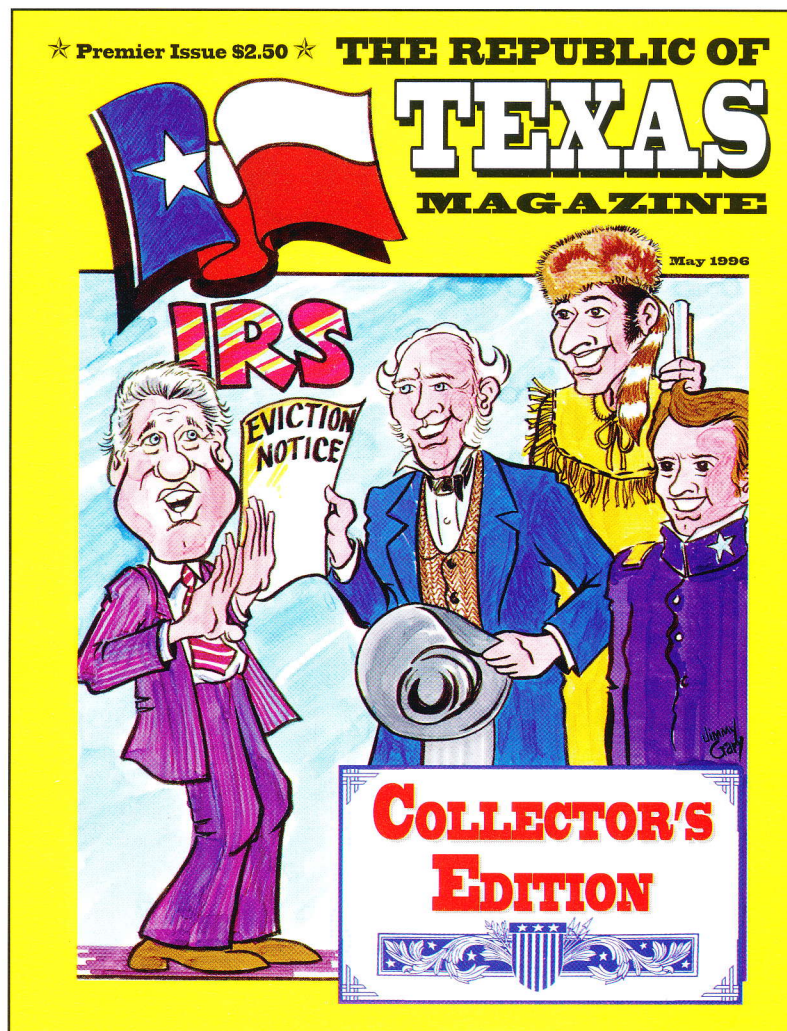
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